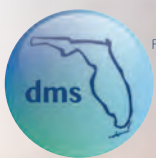




46th Annual

Police Officers' & Firefighters' Pension Conference

2016 | **Hosted by:** Department of Management Services' | Division of Retirement



FLORIDA DEPARTMENT OF MANAGEMENT SERVICES
retirement
We serve those who serve Florida





Bureau Local Retirement Systems
Municipal Police Officers' & Firefighters' Trust Funds' Office
P.O. Box 3010
Tallahassee, Florida 32315-3010
www.frs.MyFlorida.com
Toll-Free: 877-738-6737 | Tel: 850-922-0667 | Fax: 850-921-2161

Rick Scott, Governor

Chad Poppell, Secretary

November 2, 2016

Dear Participant:

Welcome to the 46th Annual Police Officers' and Firefighters' Pension Conference. We appreciate the tremendous job that our police officers and firefighters provide to our local communities as well as to the State of Florida.

In establishing the Chapters 175 and 185 pension plans, the Florida Legislature recognized that these individuals respond at their own risk to protect and serve the citizens of the State of Florida and that it is a proper and legitimate state purpose to provide a uniform retirement system.

As part of our commitment to public service, we are pleased to offer this program to help you as members, trustees, administrators and agency representatives stay current on issues and legislation that may affect your Chapters 175 and 185 Municipal Police Officers' and Firefighters' Retirement plans.

We hope the information gathered here will help you in fulfilling the fiduciary responsibilities and challenges that each of you encounter in administering your pension plans.

Thank you for your continued support and participation in this program.

Sincerely,

A handwritten signature in black ink, appearing to be 'E. Stevens'.

Elizabeth Stevens
State Retirement Director

SC

**46th Annual
Police Officers' and Firefighters'
Pension Conference**



New Trustee Day

November 2, 2016

Sponsored By:

The Municipal Police Officers' and Firefighters'
Retirement trust Funds Office

Florida Division of Retirement
Department of Management Services
Tallahassee, Florida

**46TH ANNUAL POLICE OFFICERS' AND FIREFIGHTERS'
PENSION TRUSTEE CONFERENCE
November 2, 3 & 4, 2016
Radisson Resort, Orlando - Celebration
2900 Parkway Boulevard, Kissimmee, FL 34747**



WEDNESDAY, NOVEMBER 2, 2016 – SPECIAL NEW TRUSTEE PROGRAM

8:00 – 8:30 a.m.	Registration – No Registration Fee
	Coffee and Tea Available
8:30 am. 4:30 p.m.	Panel Discussion – Open Forum Meeting Between Speakers and Participants

8:30 – 9:45 a.m.	Workshop Session: Sarah Carr – Division Overview
9:45 – 10:00 a.m.	Refreshment Break
10:00 – 11:30 a.m.	Workshop Session: Robert Sugarman – Information New Trustees Should Have on Day One
11:30 a.m. – 1:00 p.m.	Lunch on Your Own
1:00 – 2:30 p.m.	Workshop Session: Chad Little – Actuarial Issues
2:30 – 2:45 p.m.	Refreshment Break
2:45 – 4:30 p.m.	Open Discussion
4:30 p.m.	Adjourn until Thursday

Panel Members:

Sarah Carr, Florida Division of Retirement
Bureau of Local Retirement
Tallahassee, Florida

Robert Sugarman, Legal Issues
Attorney at Law
Sugarman & Susskind
Coral Gables, Florida

Chad Little, Actuarial Issues
Freiman Little Actuaries, LLC
Merritt Island, Florida

46th Annual Police Officers' & Firefighters' Pension Conference

**SARAH CARR
BENEFITS ADMINISTRATOR
MUNICIPAL POLICE OFFICERS' & FIREFIGHTERS'
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Sarah Carr is the Benefits Administrator for the Municipal Police Officers' and Firefighters' Retirement Trust Fund Office of the Florida Division of Retirement.

We oversee daily monitoring for actuarial soundness, statutory compliance of Chapters 175 and 185, and distribution of premium tax money's for the firefighters' and police officers' retirement plans. We also offer training opportunities to inform the public regarding the pension programs under Chapters 175 and 185.

WHAT IS NEW TRUSTEE DAY ALL ABOUT?

- An open forum for trustees to discuss concerns or questions they have regarding the administration of Chapter 175/185 retirement plans.

DUTIES OF THE MUNICIPAL POLICE OFFICERS' & FIREFIGHTERS' PENSION OFFICE (MPF)

- Sections 175.341 and 185.23, Florida Statutes (F.S.), provides oversight authority to the Division of Retirement for:
 - daily oversight and monitoring for actuarial soundness of the plans;
 - reviewing and processing the premium tax moneys collected;
 - determining compliance with the provisions of these chapters; and
 - disbursing the premium tax moneys to the Firefighters' and Police Officers' Retirement Plans

Website

- <http://www.myflorida.com/frs/mpf>

STEPS TOWARDS PARTICIPATING IN CHAPTER 175 & 185

- Pass an ordinance/resolution imposing the Casualty/Property Premium Taxes on insurers and submit it to the MPF Office.
- Adopt the provisions of the Chapters 175/185 and participate as a “Chapter” plan, or pass a local ordinance/resolution and participate as a “Local Law” plan that conforms to the minimum benefits and standards of Chapters 175/185.
- Submit copies of the actuarial impact statement and proposed amendment to the MPF Office prior to final reading each time a plan amendment is being considered.
- Submit Annual Reports that provide financial and statistical information regarding the plan to the MPF Office for approval.
- Maintain compliance with Part VII, of Chapter 112, F. S.

HISTORY LESSON

- In 1939 the Firefighters’ Pension Trust Fund was established.
 - Incorporated Municipalities
 - Independent Special Fire Control Districts was added in 1993.

- In 1953 the Police Officers' Pension Trust Fund was established
 - Incorporated Municipalities are eligible to participate.

NUMBER OF CHAPTER 175 & 185 PLANS

- There are nearly 350 Chapter 175 & 185 retirement plans in existence.

TWO TYPES OF PLANS

- Chapter Plans, defined in Chapter 175.032(2) and Chapter 185.02(3).
 - Plans may not differ from plan provisions set forth in the Chapter.
 - Exceptions:
 - Benefit Accrual Rate
 - Employee Contributions
 - Investment Parameters
 - Purchase of prior service
 - Actuarial valuations completed by Division of Retirement.

- Local Law Plans, defined in Chapter 175.032(11) and Chapter 185.02(10)
 - Plans are established by municipal ordinance or special district resolution and provisions may differ from provisions set forth in the Chapter provided that the minimum benefits and standards are met.

SOME MINIMUM BENEFITS

- Normal Retirement: age 55 & 10 years of service or age 52 with 25 years of service
- Multiplier: 2.75%
- Vesting: 10 years
- Average Final Compensation: best 5 out of last 10

WHO IS ELIGIBLE TO PARTICIPATE IN THE PLAN?

- Sections 175.032(8) and 185.02(11) define firefighter and police officer.
 - ANY individual who is required to be a certified firefighter or police officer as a condition of employment must be allowed to participate in the plan.
 - This does not include part-time employees.

COMMON PARTICIPATION INQUIRIES

- Chapter 175 Plans
 - If the employer's position description does not require an employee to be a certified firefighter as a condition of employment, but the Bureau of Fire Standards & Training (Bureau) does, then the employee is eligible to participate in the Chapter 175 plan.
 - If the Bureau doesn't require certification, but the employer position description does, then the employee is eligible to participate in the Chapter 175 plan.
- Senior Management
 - Individuals filling senior management positions are still eligible to participate in Chapter 175 & 185 plans as long as they are required to be a certified firefighter or law enforcement officer as a condition of employment.
- Through an Ordinance, the Fire Chief and Police Chief of any Chapter 175 & 185 plan may have the option to opt out of the plan.
 - A plan may also pass an Ordinance which would allow all members of the plan to opt out.

PURCHASING TIME IN CHAPTER 175/185 FROM FRS

- Employees CAN NOT roll over FRS Investment Plan funds into Chapter 175/185 retirement plan to purchase additional time in the plan.
 - When an FRS member rolls funds out of the FRS Investment Plan, they are rolling over both employer and employee contributions. Also, the member would be considered a FRS retiree.

BOARD MAKE-UP

- Sections 175.061 & 185.05, F. S. – Board of trustees; members.
 - Standard boards are made-up of 5 trustees:
 - 2 appointed by the plan sponsor. These trustees must be legal residents of the city.
 - 2 elected by participants of the plan.
 - 1 appointed by the other 4 trustees.

BOARD TERMS

- Sections 175.061 & 185.05, F. S.
 - Term of office is 2 years.
 - Terms may be extended to 4 years through an Ordinance, Resolution or act of Legislature.

- Length of term shall be the same for all board members.
- Trustees appointed by plan sponsor serve at the will of the sponsor. May be removed from office at any time.
- Trustees may succeed himself or herself and can hold over in office until a successor is named.

BOARD'S MEETING SCHEDULE

- Sections 175.061(3) & 185.05(3), F. S.
 - The board shall meet at least quarterly each year.

BOARD DUTIES & GENERAL POWERS

- Sections 175.071 & 185.06, F. S.
- Invest and reinvest pension fund assets.
- Provides for the sole and exclusive administration of and operation of the pension trust fund.
 - Board does not have authority to amend the provisions of the retirement plan without consent of plan sponsor.
- Hire independent legal counsel, actuary or other advisors deemed necessary.

BOARD'S INDEPENDENCE

- Sections 175.311 & 185.31, F. S.

- Each board of trustees shall be independent of the municipality or special fire control district for which it serves as board of trustees to the extent required to accomplish the intent, requirements, and responsibilities provided for in this chapter.

WHAT'S A FIDUCIARY

- Per Merriam-Webster Dictionary, in law a fiduciary is:
- A person in a position of authority whom the law obligates to act solely on behalf of the person he or she represents and in good faith. Unlike people in ordinary business relationships, fiduciaries may not seek personal benefit from their transactions with those they represent.

BOARD MEMBERS' FIDUCIARY DUTIES

- Section 112.656, F. S. - Fiduciary duties; certain officials included as fiduciaries.
 - A fiduciary shall discharge his or her duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

- Each retirement system or plan shall have one or more named fiduciaries with authority to control and manage the administration and operation of the retirement system or plan. However, the plan administrator, and any officer, trustee, and custodian, and any counsel, accountant, and actuary of the retirement system or plan who is employed on a full-time basis, shall be included as fiduciaries of such system or plan.
- A retirement system or plan may purchase insurance for its named fiduciary to cover liability or losses incurred by reason of act or omission of the fiduciary.

FINANCIAL DISCLOSURE FORMS

- Chapter 112, F. S. - Financial Disclosure
- Section 112.3145(1)(a)2.f, F. S. - pension board members are included under the definition of “local officer” and must file a Financial Disclosure Form 1 – “Limited” disclosure” – within 30 days from date of appointment and each July 1 thereafter.
- Also, must file Form 1F – within 60 days of leaving an office. Local officers should file with the Supervisor of Elections of the County in which they permanently reside.

PART VII OF CHAPTER 112

Local Retirement Section - Part VII, Chapter 112, F. S.

- Section 112.63, F. S. – requires the board to submit actuarial valuations (at least triannually), actuarial impact statements and proposed ordinances to the Local Retirement Section prior to final reading.
- Section 112.66(1), F. S. – requires the board to provide new members with a Summary Plan Description (SPD) upon initial employment and to all members with each new biennial publication. A copy does not have to be filed with the Local Retirement Section; however, they may inquire as to whether the Board is meeting this requirement and so it may be easier to simply provide a copy to their office.
- Section 112.661(9), F. S. – requires the board each year to submit to the Local Retirement Section, the plan sponsor and the plan actuary a letter of determination showing the total expected annual rate of return for the current year, for each of the next several years, and for the long term thereafter.
- Section 112.661 (16), F. S. – requires the board to develop a written investment policy. A copy must be filed promptly with the Local Retirement Section and with the plan's sponsor (City/District).

- Section 112.664, F.S. – new disclosure requirement under Senate Bill 534. The Division promulgated Chapter 60T – 1.0035, F.

A.C., implementing this new section, effective April 29, 2015.

Questions concerning Part VII of Chapter 112 call the Bureau of Local Retirement at 877-738-5622

PREMIUM TAX MONEY

- The premium tax money is State money that is released to Chapter 175 & 185 plans every summer to help fund the plans.
- For Chapter 175 plans, the money is derived from the 1.85% property insurance tax, which is defined in 175.032(13).
- For Chapter 185 plans, the money is derived from the 0.85% casualty insurance tax, which is defined in 185.02(2).

MISCONCEPTIONS

- Insurance companies pay premium taxes on all property and casualty insurance sold in the state.

- Just because a municipality or independent fire control district participates in Chapter 175 & 185 does not mean their citizens are paying an additional tax.
- Insurance companies receive a credit towards their state wide insurance for the participating city/district.

COLLECTION OF TAXES

- Taxes are reported for the calendar year to the Department of Revenue (DOR). Insurance companies are required to report the amount of premiums sold covering property within the corporate or fire control district boundaries of any participating municipality or fire control district. This information is then provided by DOR to the MPF office, which in turn makes the distribution on or about July 1 each year.

COLLECTION OUTSIDE PLAN'S BOUNDARY – FIRE PROTECTION

- Chapter 2005-205, Laws of Florida, provides that any municipality that has entered into an interlocal agreement to provide for fire protection services to another incorporated area, may also be eligible to receive the premium taxes reported for the city receiving the fire services.
- A copy of the levying ordinance (for the city receiving the service) and a copy of the interlocal agreement must be filed with the MPF Office in order to be eligible.

COLLECTION OUTSIDE PLAN'S BOUNDARY – POLICE PROTECTION

- Chapter 2014-028, Laws of Florida, provide that the City of Jacksonville may collect premium taxes of other incorporated area in which an interlocal agreement, for the City of Jacksonville to provide police protection services, exists.
- A copy of the levying ordinance (for the city receiving the service) and a copy of the interlocal agreement must be filed with the MPF Office in order to be eligible.

COLLECTION OUTSIDE PLAN'S BOUNDARY – POLICE PROTECTION

- Chapter 2014-028, Laws of Florida, provide that the City of Jacksonville may collect premium taxes of other incorporated area in which an interlocal agreement, for the City of Jacksonville to provide police protection services, exists.
- A copy of the levying ordinance (for the city receiving the service) and a copy of the interlocal agreement must be filed with the MPF Office in order to be eligible.

HOW TO CHECK A PLAN'S COVERED AREA?

- <https://pointmatch.state.fl.us/>

HOW DOES A PLAN GET APPROVED FOR PREMIUM TAX MONEY?

- Submit all proposed and final Ordinances to the MPF office.
- Maintain annual compliance with all provisions of Chapters 175 & 185 provisions.
- Maintain compliance with Part VII of Chapter 112.
- Submit and have approved the MPF annual report.

ANNUAL REPORTS

Sections 175.261 & 185.221, F. S – Annual Report requirements

- Chapter Plans – due by February 1
- Local Law Plans – due by March 15

INFORMATION TO KEEP IN MIND WHEN COMPLETING THE ANNUAL REPORT

- All police officers and firefighters must be enrolled and participate in the plan from date of inception of the plan or upon being hired, may opt-out only if the Employer adopts an opt-out provision by ordinance, resolution, or Legislative Act.

- If your plan has more than \$250,000 in assets, an independent audit by a C.P.A. must be submitted as part of the report.
- Sections 175.071(6) & 185.06(5), F. S. require the board to have an independent consultant perform an evaluation of the professional money managers' performance, at least once every 3 years.
- Copies do not have to be provided to the MPF Office, only a confirmation on the Annual Report that this review has been performed.
- A copy of the most recent actuarial valuation.

TOP 7 REASONS ADDITIONAL INFORMATION IS REQUESTED FOR AN ANNUAL REPORT

1. Annual Reports should be signed by the Chairman and Secretary, and notarized (Page 1).
2. If the Chairman and/or Secretary is unable to sign the report, another member of the board may sign in their place.
3. The identity of each board member (City elected, Member elected or appointed) should be listed on page 2.
4. Explanation if payroll amount is different from previous year (page 6). Discussion will follow regarding the importance of this information.

5. Use the correct year's annual report found on our website. Reports are updated yearly.
6. Complete the Disability Category Box (page 12)
7. Keep employees on the termination page until they are paid out their employee contributions.

CALCULATION OF DISTRIBUTION AMOUNT FOR CHAPTER 175 PLANS: LIMITED DISBURSEMENT (CHAPTER 175.122 F.S.)

- Limitation of disbursement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any municipality or special fire control district participating in the firefighters' pension trust fund pursuant to the provisions of this chapter, whether under a chapter plan or local law plan, shall be limited to receiving any moneys from such fund in excess of that produced by one-half of the excise tax, as provided for in s. 175.101; however, any such municipality or special fire control district receiving less than 6 percent of its fire department payroll from such fund shall be entitled to receive from such fund the amount determined under s. 175.121, in excess of one-half of the excise tax, not to exceed 6 percent of its fire department payroll. Payroll amounts of members included in the Florida Retirement System shall not be included.

WHAT DOES THIS MEAN?

- It means that Chapter 175 pension plans receive either: the maximum premium taxes available, 6% of its total calendar year payroll or no less than half the available premium taxes.
- Whichever amount is the middle figure, that is the amount the plan will receive.
- It is important to report the entire payroll for the fire department.
 - Any person who is paid under the fire department, and does not participate in the Florida Retirement System, should be in the total payroll calculation.
 - This includes all administrative staff and other staff that do not participate in the Chapter 175 Pension Plan as long as they are paid from the fire department payroll.

IF A PLAN DOES NOT RECEIVE THE MAXIMUM AVAILABLE TAXES, WHERE DOES THE REMAINING BALANCE GO?

- The remaining amount is sent back to the Department of Revenue to go towards the Firefighters' Supplemental Compensation Trust Fund. It is the educational incentive payment for firefighters.

- The firefighters' supplemental premium tax distribution is an additional distribution to Chapter 175 plans on the excess amount sent to the Department of Revenue to fund the Firefighters' Supplemental Compensation Trust Fund.
- Sent around October 1st each year
- The amount of money the municipality or fire control district sent back to Department of Revenue (A), is divided by the total aggregate amount that was sent back to the Department of Revenue (B).
 - This will give you the percentage the entity will get back from the overpayment of the Trust Fund.
 - $A / B = \% \text{ of prorated share}$

EXAMPLE

- City sent Department of Revenue \$28,194.88
- Total aggregate amount of premium tax money sent back to Department of Revenue, for all cities, was 17,717,488.36
 - **$28,194.88 / 17,717,488.36 = 0.00159 \text{ or } 0.16\%$**
- If the total amount needed to fund the Firefighters' Supplemental Compensation Trust Fund, for the upcoming year, is 8,132,842.72 then there is an excess, in the trust fund, of 9,584,645.64.

- **$17,717,488.36 - 8,132,842.72 = 9,584,645.64$**
- The City would receive \$15,252.61 in the Supplemental Distribution.
 - **$9,584,645.64 \times 0.16\% = \$15,252.61$**

SPECIAL NOTE

- If a municipality or special fire control district receives the maximum available premium tax distribution, it will not receive a supplemental distribution.
- Since the entity received the entire available distribution amount, no money was left to send over for the Firefighters' Supplemental Compensation Trust Fund. Therefore there would be no money to get back.

46th Annual Police Officers' & Firefighters' Pension Conference

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Bob Sugarman is a partner in the Coral Gables and Fort Lauderdale law firm of Sugarman & Susskind. Mr. Sugarman, a Board Certified Labor and Employment Lawyer, has provided legal services to public sector and multiemployer pension plans for over 35 years. He represents over 65 Florida municipal pension plans.

Mr. Sugarman has lectured on public pension issues for the Florida Division of Retirement, the International Foundation of Employee Benefit Plans, the Society of Actuaries, the National Association of Police Organizations and the Florida Public Pension Trustees Association. He is on the faculty of the International Foundation's Certificate of Achievement in Public Pension Policy certification program. He has had articles published in the Stetson Law Review and the Textbook for Employee Benefit Plan Trustees, Administrators and Advisors. Mr. Sugarman is a former adjunct professor, Florida International University, and has served as an executive board member of The Florida Bar Labor Law Section, and was a director of the AFC-CIO Lawyers Coordinating Committee. He has been selected by his peers as a Fellow of the College of Labor and Employment Lawyers.

Since 1989, Mr. Sugarman has continuously been listed in the current editions of The Best Lawyers in America and Leading Florida Attorneys, and was named by Florida Monthly as one of Florida's "Top Lawyers." Mr. Sugarman received his B.A. Degree from the George Washington University and his J.D. in 1972 from the University of Virginia.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

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New Trustees Program

Welcome to being a fiduciary!

(or - what did I get myself into?)

How is the pension plan funded?
How can I protect my pension fund, its members, and myself?
Who can help me?
What is fiduciary duty?

By

Robert A. Sugarman

I. BENEFITS AND FUNDING THE PENSION PLAN

1. Comparison of defined benefit (DB) and define contribution (DC) plans
2. Defining the benefit
 - a. Years of service x
 - b. Benefit rate x
 - c. Average final compensation (AFC)
3. Each year of service for each member = liability
 - a. Current year – normal cost
 - b. Retroactive increases for past years – past service cost
4. Total cost for each year (“the bucket”) =
 - a. Costs for each member (normal cost + past service cost) +
 - b. Past service costs for retired members +
 - c. Administration costs
5. Paying the cost each year (funding the plan or “filling the bucket”)
 - a. Employee contributions

- b. + State premium tax revenue
 - i. Derived from tax on fire & crime insurance on property located within city or district
 - ii. Tax on insurance company, not on policyholders
 - c. + or – Investment return
 - d. + Employer contribution (“*the city fills the bucket*”)
6. State premium tax rebates
- a. Base amount used to fund benefits
 - i. Either state minimums or above or higher
 - ii. This reduces employer’s contributions
 - b. Amount in excess of amount of received in 2013 (for 2012 calendar year) are used
 - i. As agreed to by mutual consent, such as
 - 1. To fund minimum benefits
 - 2. To fund benefits above minimums
 - 3. To go into share (defined contribution plan)
 - 4. Or as otherwise agreed
 - ii. If no mutual agreement
 - 1. 50% to fund benefits – this reduces employer contribution
 - 2. 50% to share plan
 - c. When money above amount received in 2013 is spent on state minimums or extra benefits (“the pail is emptied”):
 - i. If spent on minimum or higher defined benefit: the annual cost and the state premium tax contribution to the cost go up (“pail is emptied into the bucket and the bucket gets bigger”) or

- ii. If a share plan: money goes into separate accounts (“the pail is emptied into separate cups”)

II. HELPING THE TRUSTEES – THE PROFESSIONAL ADVISORS

1. actuary
 - a. valuation – determines employer contribution
 - b. advises on actuarial assumptions and methods
 - c. calculates benefits or develops software to do so
 - d. costs out benefit changes
 - e. certifies annual state report
2. investment manager
 - a. makes investments as prescribed by investment policy
 - b. has full discretion within restrictions of policy and law
 - c. acknowledges that it is a fiduciary
 - d. regular reporting
3. investment consultant / advisor / performance monitor
 - a. drafts and recommends investment policy
 - b. searches for managers to implement policy
 - c. compares managers’ performance to:
 - i. investment policy
 - ii. unmanaged investments (indices)
 - iii. performance of other managers (peers)
 - d. recommends retention or replacement
 - e. works for fixed or hard dollar fee
4. custodian
 - a. securely holds stocks, bonds and maybe mutual and commingled funds
 - b. collects interest and dividends

- c. delivers securities for sale
 - d. receives securities when purchased
 - e. delivers proxies to managers for voting
 - f. files security fraud claims
 - g. invests short-term or overnight funds (sweep account)
 - h. may pay benefits and expenses
- 5. stock brokers
 - a. buy and sell securities as directed by managers' traders
 - b. generate soft dollars : commission recapture
- 6. accountant
 - a. performs annual audit
 - b. reviews financial management
 - c. advises on setting up bookkeeping and financial statements
 - d. may prepare tax returns
- 7. insurance broker – seeks liability insurance policies
- 8. lawyer – protects trustees who are the clients
 - a. advises trustees on compliance with laws
 - i. issues written opinion letters
 - ii. attends trustee meetings
 - b. negotiates and reviews contracts
 - c. responds to questions from members', employers', and unions' lawyers
 - d. responds to state and federal agency inquiries
 - e. litigates : defends brings lawsuits and administrative agency actions
 - f. reviews or drafts policies, procedures and forms
 - g. advises on potential securities fraud monitoring and litigation
 - h. drafts or reviews ordinance amendments
- 9. administrator / records custodian: day-to-day administration
 - a. prepares agendas for meetings

- b. issues and posts meeting notices
- c. drafts minutes for trustee review
- d. attends trustee meetings
- e. processes claims for benefits and refunds
- f. communicates on behalf of pension fund
- g. maintains employee records, files, and forms
- h. receives and processes invoices for trustee approval and payment
- i. may maintain member payroll and service records
- j. maintains pension fund's records and files
- k. responds to member inquiries, public records requests, and correspondence
- l. liaison with other professionals, members, employer, and public

III. FIDUCIARY DUTY: The Inescapable Liability

1. What is it?

Defined by Section 112.656(1) of the Florida Statutes:

A fiduciary shall discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

2. Who has it?

- a. all trustees
- b. the custodian of assets
- c. plan administrator
- d. full-time accountant, lawyer or actuary
- e. anyone who had discretionary control over assets
- f. as soon as you begin serving as a trustee
- g. continues after you stop being a trustee for actions (or inactions) taken during your term as trustee

3. How do you get rid of it?

- a. You can't. Section 112.66(3) states:

Any provision in a legal agreement, contract, or instrument which purports to relieve a fiduciary of a retirement system or plan from responsibility or liability is void as being against public policy.

- b. But you can delegate it, such as to investment managers.
- c. You can insure against liability with fiduciary liability insurance (errors & omissions coverage.)

4. What are its elements?

- a. "solely in the interest of the participants and beneficiaries"

- i. cannot further only the interests of the party which appointed or elected you
- ii. cannot consider your own personal pension or benefits
- iii. investment managers, custodians and other professionals must look only at benefit to plan, not on effect on their fees or tenure
- iv. must consider what is best for entire group of participants and beneficiaries

- b. "for the exclusive purpose of providing benefits"

- i. limits use of plan assets to providing benefits
- ii. cannot use for benefits not specified in the plan (i.e., rehabilitation of disabled, provision of retiree health insurance if not in ordinance)
- iii. cannot have other motives, such as directing plan business to favored vendors

- c. "defraying reasonable expenses"

- i. must review charges of plan vendors and professionals
- ii. educational meetings and seminars are legitimate, but must review expense vouchers to be sure they're reasonable

5. What can I do as a trustee?
 - a. avoid self-dealing and conflicts of interest
 - b. consider advice of plan advisors before acting
 - c. monitor performance and fees of plan professionals
 - d. require written opinions and backup of matters which involve major expenditures and benefit payments
 - e. review trustee expenses and adopt travel expense policy
 - f. monitor and insist upon timely payment of employer contributions - monthly for employee withholding and quarterly for employer contributions

IV. ROLE OF TRUSTEES

1. follow the plan
2. follow the laws
 - a. local ordinance
 - b. Chapters 112, 175 & 185
 - c. Government in the Sunshine
 - d. Public meetings
 - e. Public records
 - f. Financial disclosure
 - g. Ethics and conflicts of interest
3. exclusive benefit rule
4. solely in the interest rule
5. determine reasonable expenses
6. prudent person rule
7. monitor the professionals

46th Annual Police Officers' & Firefighters' Pension Conference

CHAD M. LITTLE, ACTUARY
FREIMAN LITTLE ACTUARIES, LLC
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Phone: 321/453-6542
Fax: 321/453-6998
E-mail: chad@flactuaries.com
Website: <http://flactuaries.com>

Chad Little is an actuary with Freiman Little Actuaries. Mr. Little has been a speaker with the Florida Public Pension Trustee Association for many years, and is currently a member of the FPPTA Advisory Board.

Mr. Little has a detailed understanding of the issues facing public retirement systems and is able to translate them into both standard American and the more common Southern dialect (the drawl is genuine).

Mr. Little opened an office in Florida office for Freiman Little Actuaries. He is an Associate of the Society of Actuaries, an Enrolled Actuary, and a member of the American Academy of Actuaries. Mr. Little received a BS degree in Actuarial Science from Georgia State University. He also did graduate work in Actuarial Science at Georgia State University and was an Adjunct Professor in the Actuarial Science Program at the University of Central Florida.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

Actuary Overview (101)

Chad Little, ASA, EA

What is an Actuary?

From SOA

An actuary is a specialist professional who analyzes the financial consequences of risk.

For example:

How much money will a company need to pay out for its pension plan?
How much will a company need to pay out for its life insurance plan?
How much will a company need to pay out for its health insurance plan?

How much money will a company need to pay out for its pension plan?

How much will a company need to pay out for its life insurance plan?

How much will a company need to pay out for its health insurance plan?

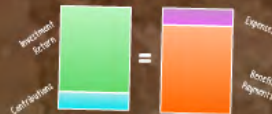
How much will a company need to pay out for its pension plan?

How much will a company need to pay out for its life insurance plan?

How much will a company need to pay out for its health insurance plan?

Balance Equation for all Actuarial Math

Money in = Money out



Calculating the Contribution

Trustee: What does it mean to me?

Valuation

Options: Options Contributions

Model: Model

Modeling (MTR) (MTR)

Options and Liability for Deposit

Options

Options

Options

Modeling

A technique that models risk to estimate system and to study the effects of different components, due to make predictions about

Modeling: The process of creating a model

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From SOA

An actuary is a business professional who analyzes the financial consequences of risk.

Risk and Reward

Term Life Insurance

Cost of \$1 of 1 year term insurance?

Easy answer = \$1

Mortality = .02 (20 out of 1,000 die)

Sell the policy to 1,000 people \$0.02 each

Invest the premiums at 5% interest

Sell the policy to 1,000 people \$0.019 each

At the end of the year we have \$20

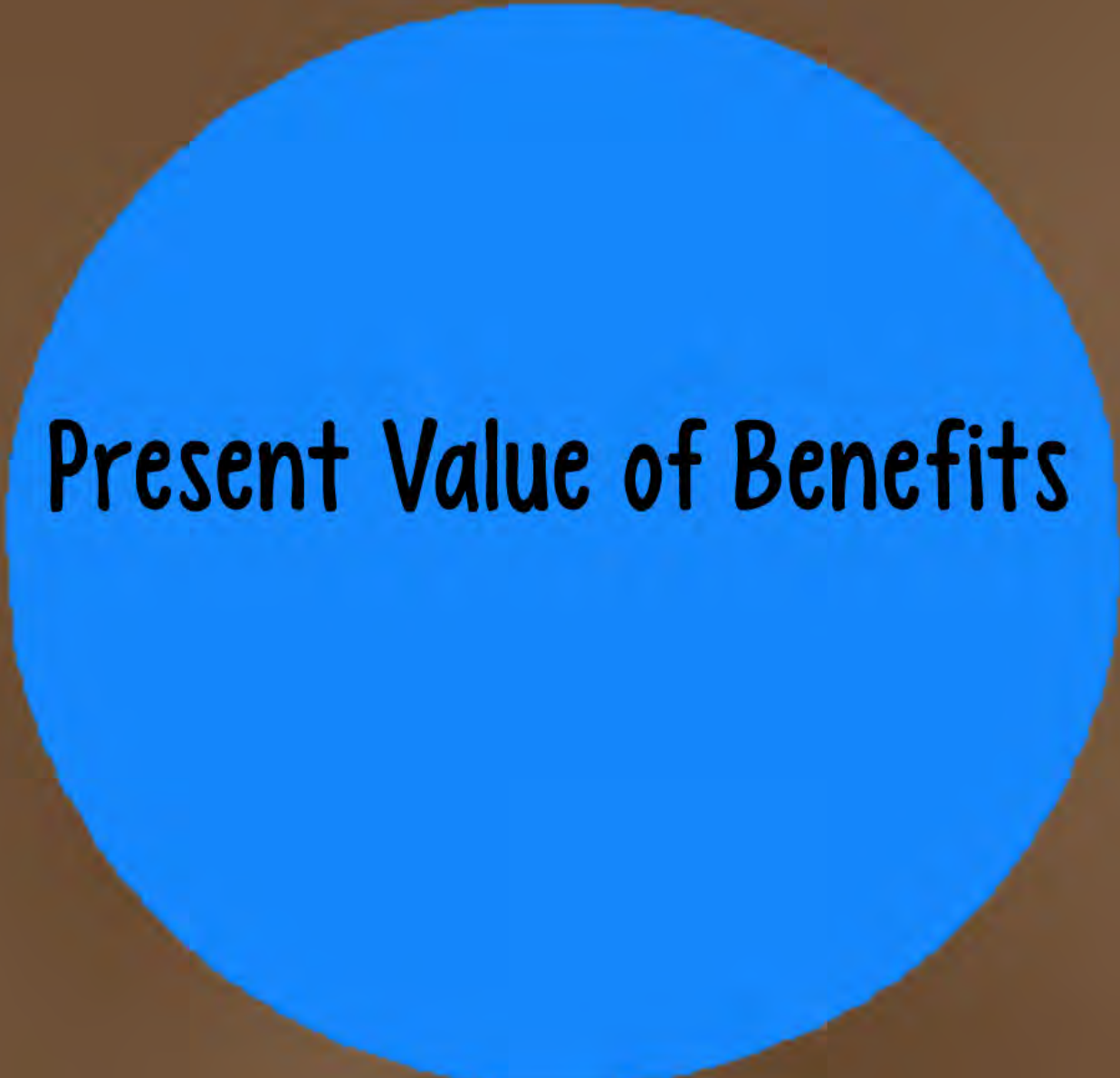
20 winners

980 losers

1,000 people covered

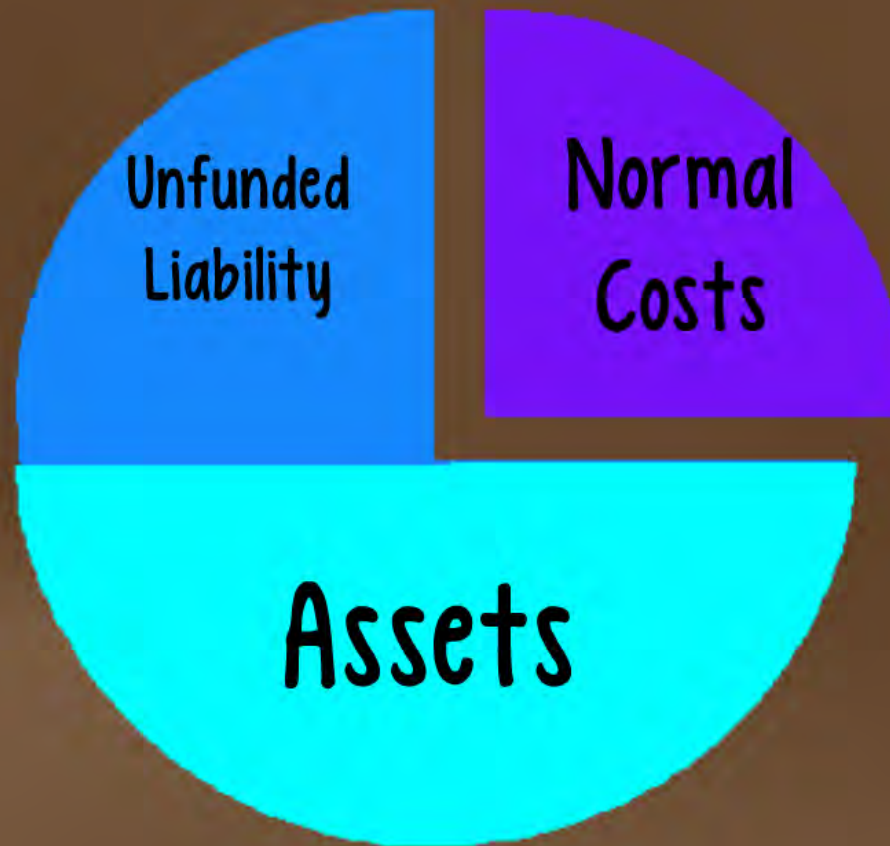
Money in = Money out



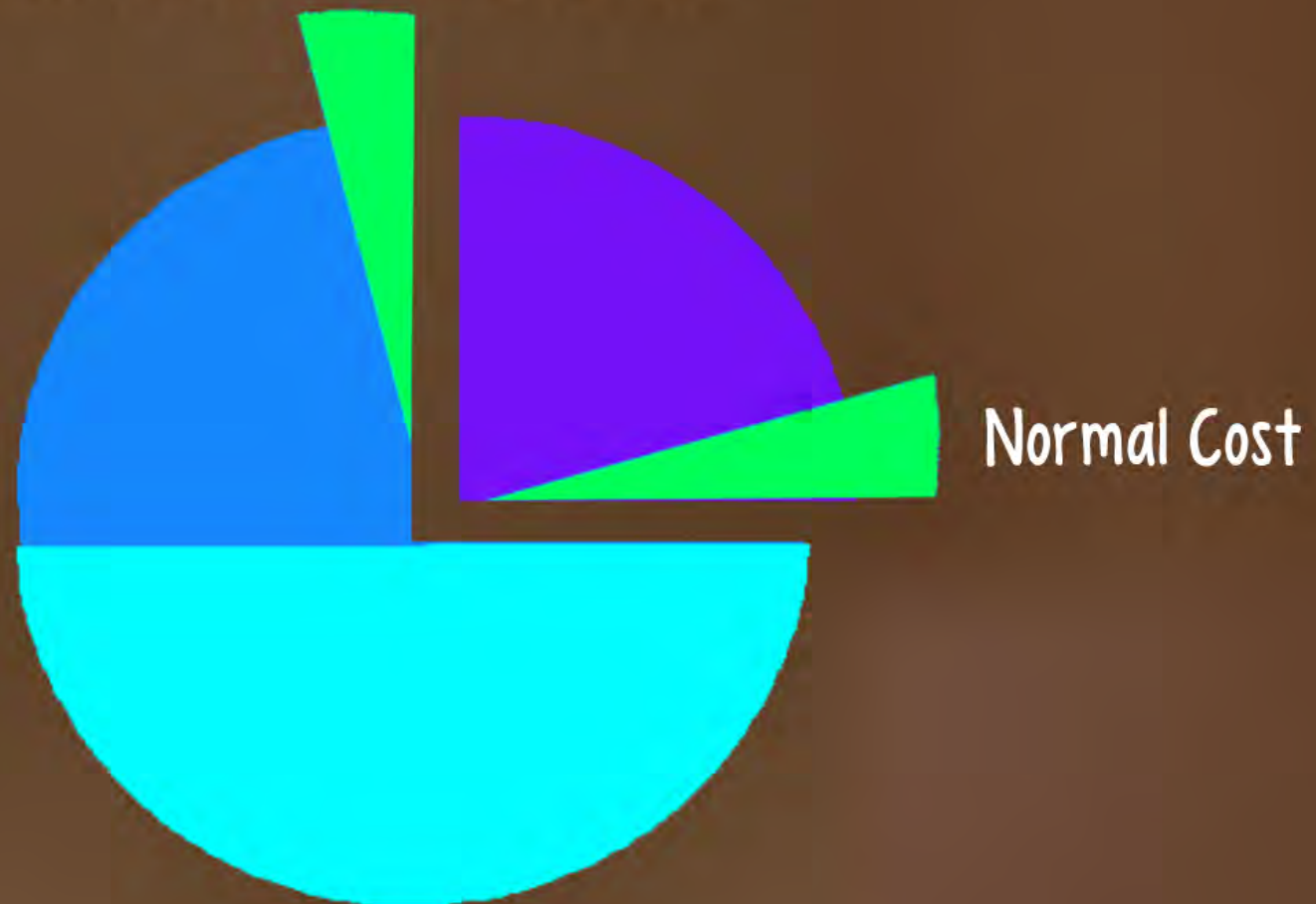


Present Value of Benefits





Amortization of the Unfunded



New Child

Save for College

Estimate Cost

Current Tuition

Add Inflation

Estimate Investment Growth

Start making deposits!

5 years later

Estimate Cost

Current Tuition

Add Inflation

Estimate Investment Growth

Compare to what you already have

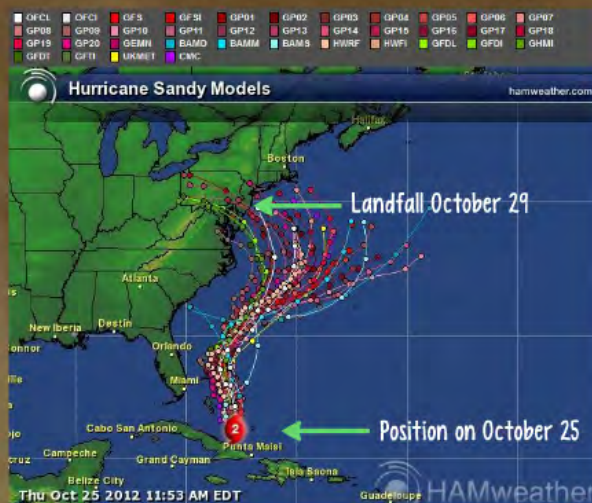
Start making higher or lower deposits!

Combination regular and adjustment for prior



Modeling

A mathematical model helps to explain a system and to study the effects of different components, and to make predictions about behavior. ← "behavior" not "future"



In hindsight on October 25
Every model was wrong - path and exact landfall
As of October 29
Every model was right - self correcting

Almost every model gave a reasonable estimate

Models are different because:

Assumptions about conditions in the future
Different behavior given those assumptions

This is what your valuation does as well - make assumptions about the conditions in the future and provide an estimated path based on the behavior of the plan given those assumptions

Model

A mathematical model helps to explain a system and to study the effects of different components, and to make predictions about behavior. ← "behavior" not "future"



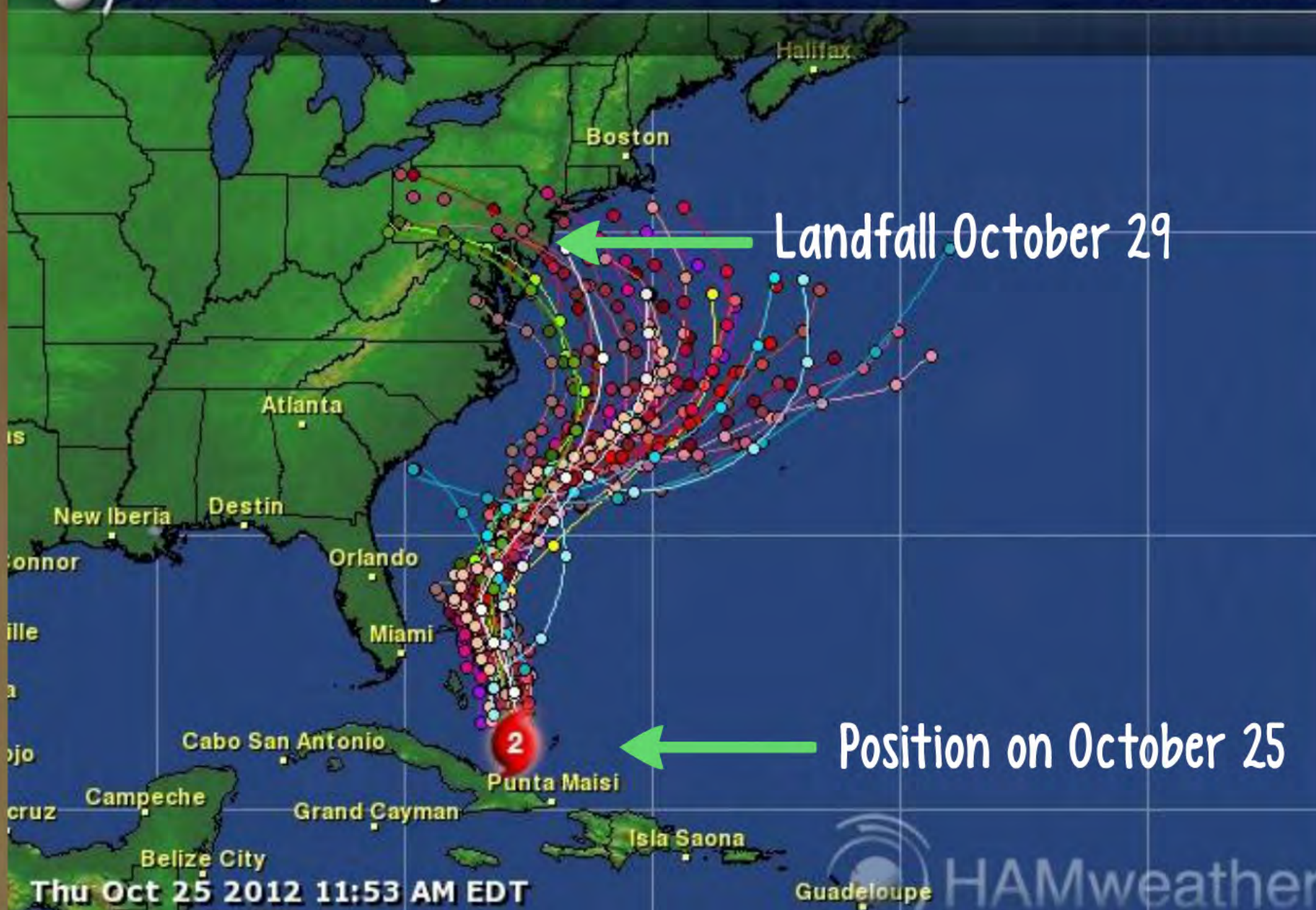
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GP08	GP09	GP10	GP11	GP12	GP13	GP14	GP15	GP16	GP17	GP18
GP19	GP20	GEMN	BAMD	BAMM	BAMS	HWRF	HWFI	GFDL	GFDI	GHMI
GFDT	GFTI	UKMET	CMC							



Hurricane Sandy Models

hamweather.com



Landfall October 29

Position on October 25

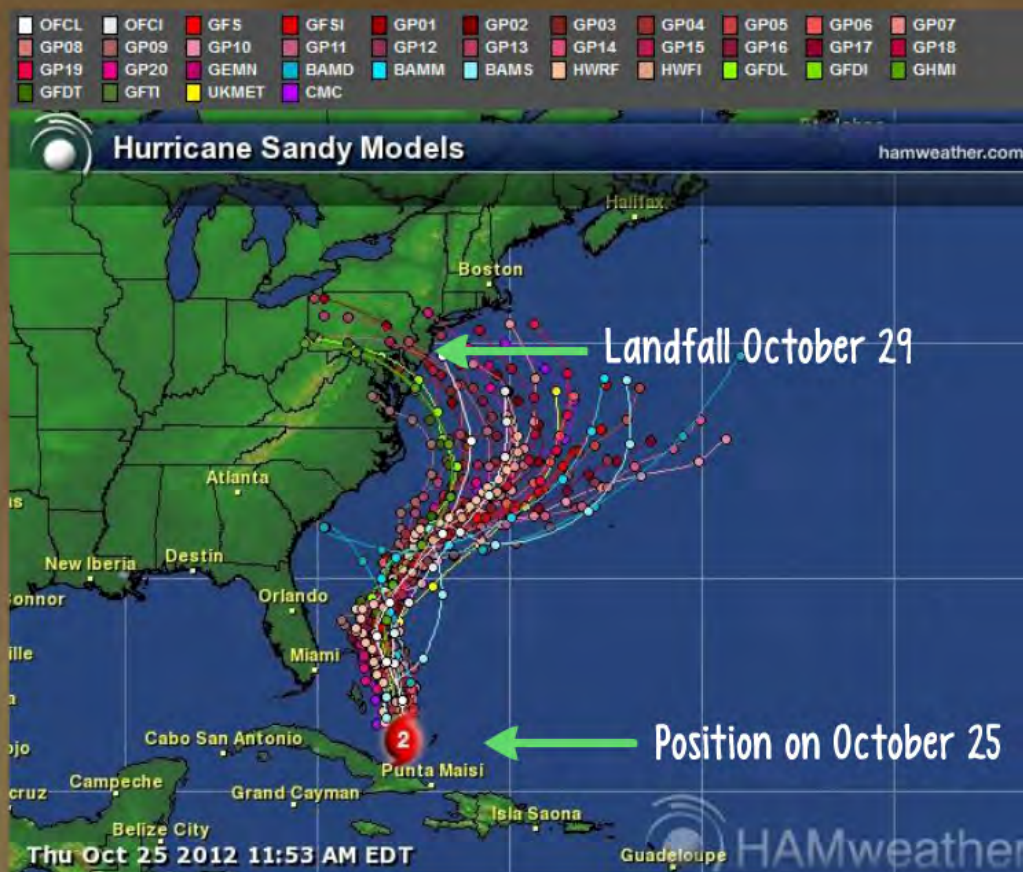
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Guadeloupe

HAMweather

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Valuation

Minimum Required Contribution

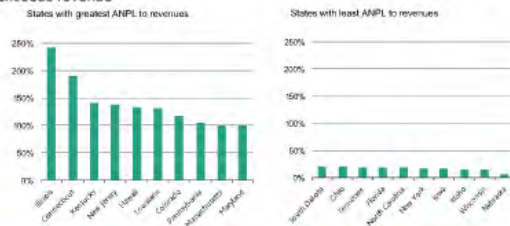
Funded Status

Accounting (GASB 67/68)

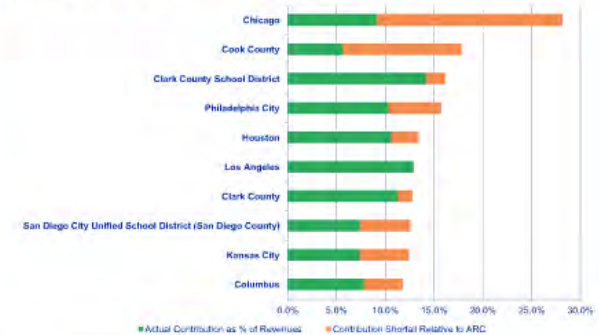
Expense and Liability for Employer

US States' Adjusted Net Pension Liabilities Vary Widely

- » The accumulated pension burden of US states, as measured by adjusted net pension liability relative to all governmental funds revenues, ranges from 6.8% to 241% (fiscal 2011)
- » The wide variation reflects the differences among states in historical funding effort, management, and responsibility for local government employer pension costs
- » 10 states have ANPL/revenues greater than 100%; 30 of 50 largest cities' ANPL also exceeds revenue

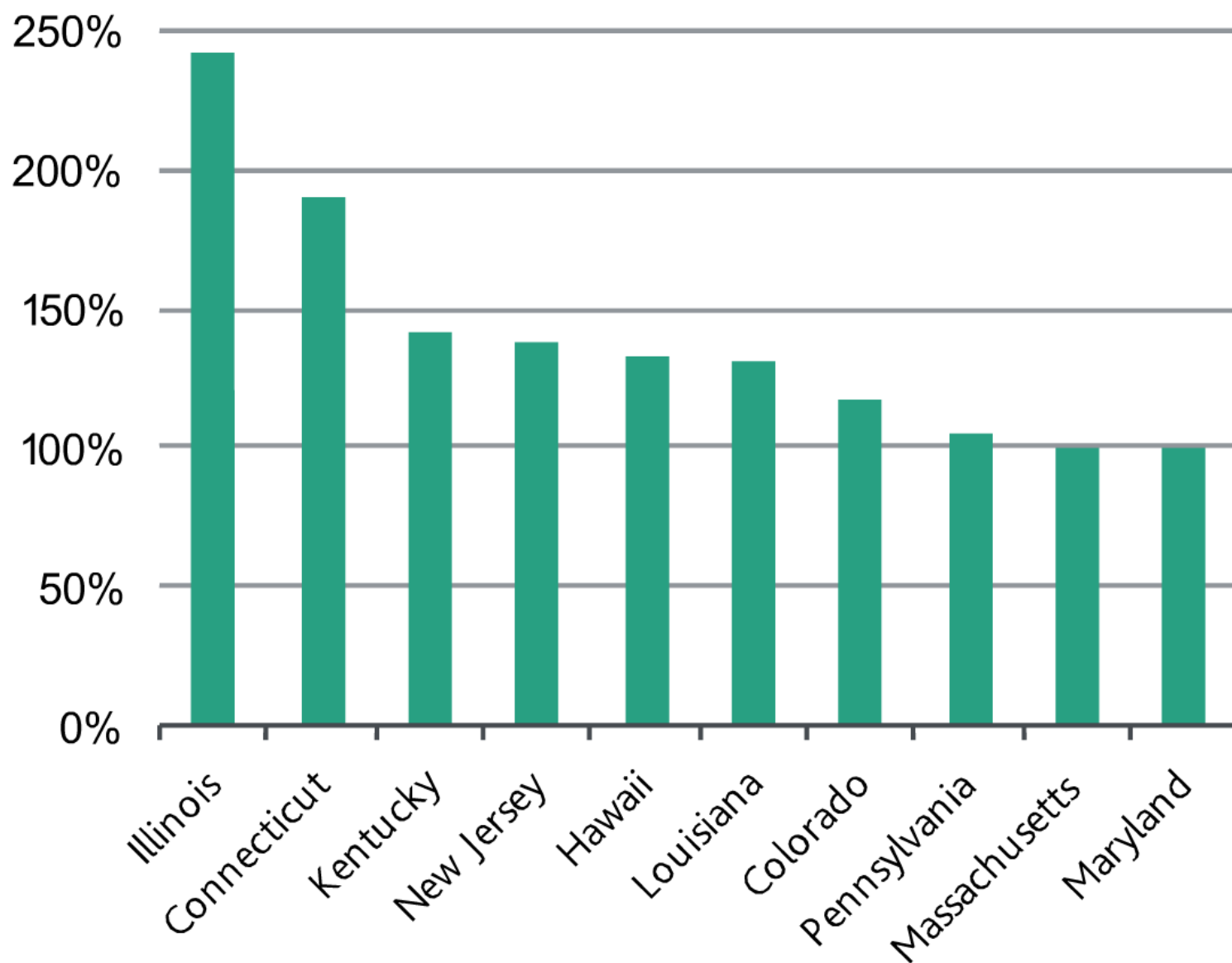


Many governments' pension contributions fall short (even before considering impact of adjustments)



exceeds revenue

States with greatest ANPL to revenues



Stat

250%

200%

150%

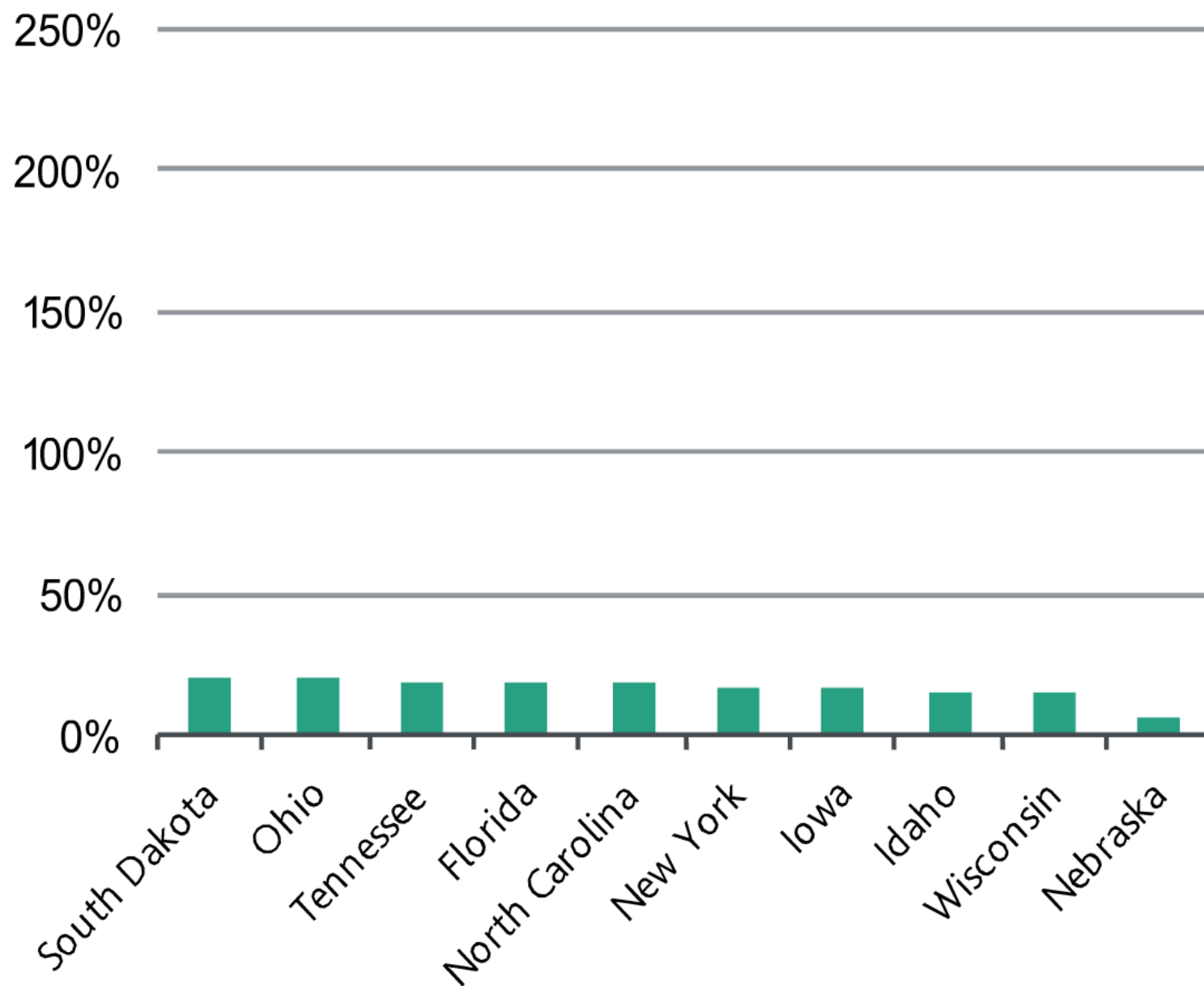
100%

50%

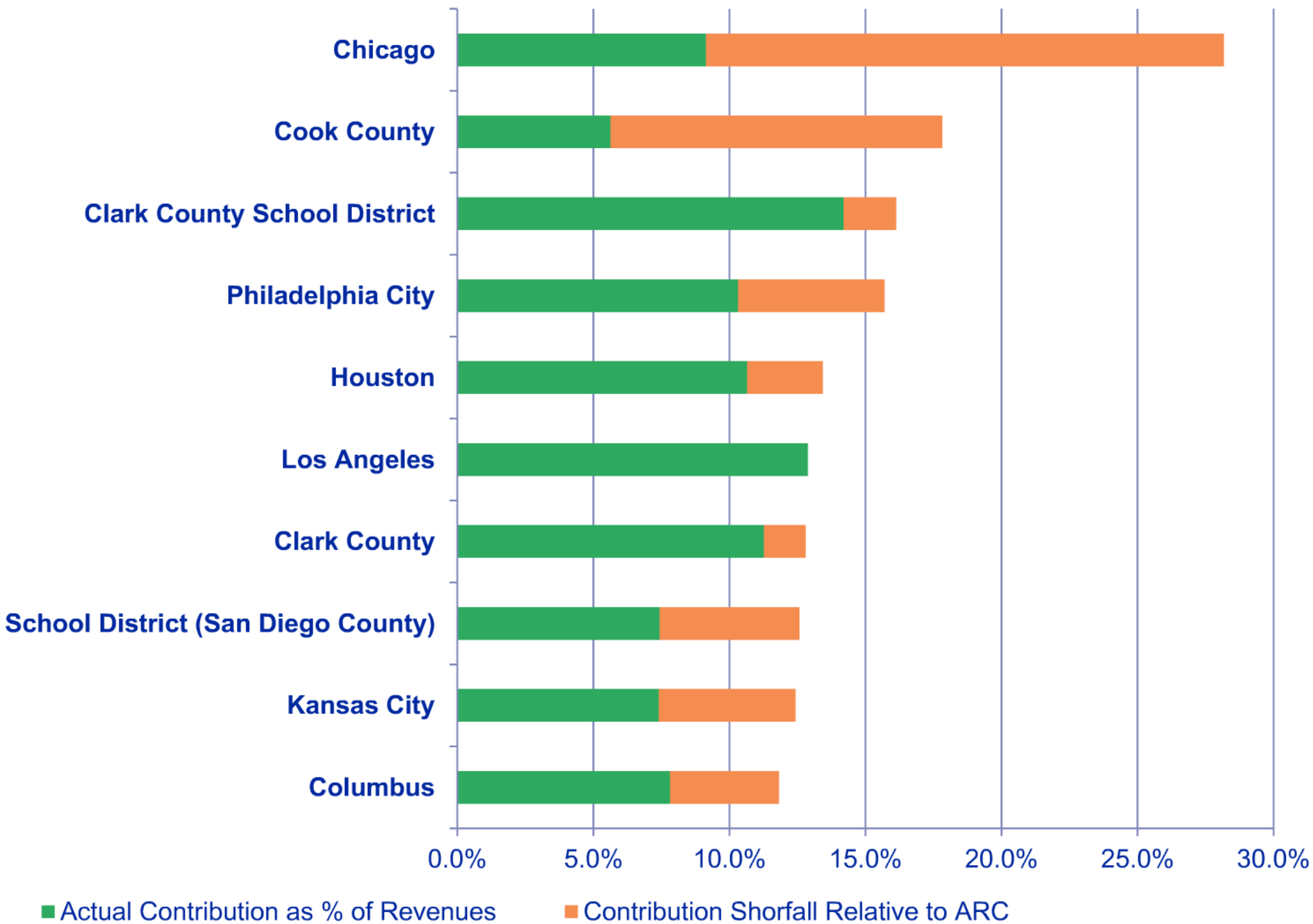
0%

South P

States with least ANPL to revenues



e considering impact of adjustments)



Disclosure

State Compliance

Fully Generational

Assumption -2%

Run out date

Actuary Overview (101)

Chad Little, ASA, EA

What is an Actuary?

From SOA

An actuary is a financial professional who analyzes the financial consequences of risk.

For example:

How much money should a company set aside to pay for its pension plan?
How much should a company set aside to pay for its health care plan?
How much should a company set aside to pay for its life insurance plan?

Answers depend on many factors, including:

• The company's financial strength

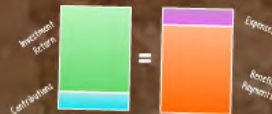
• The company's risk tolerance

• The company's investment strategy

• The company's regulatory requirements

Balance Equation for all Actuarial Math

Money in = Money out



Calculating the Contribution

For a given benefit, the contribution is the amount of money that must be set aside to pay for the benefit.

Trustee: What does it mean to me?

Valuation

Options, Rights, Contributions

Market Value

Actuarial Valuation

Options and Liability for Deposit

Options and Liability for Deposit

Options and Liability for Deposit

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Modeling

A technique that models risk to estimate system and to study the effects of different components, and to make predictions about future risk.



Modeling is the process of creating a simplified representation of a complex system.

Modeling is used to study the effects of different components and to make predictions about future risk.

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TAB
CONFERENCE PROGRAM
NOVEMBER 3-4, 2016

**46th Annual
Police Officers' and Firefighters'
Pension Conference**



Regular Trustee Program

November 3 - 4, 2016

Sponsored By:

The Municipal Police Officers' and Firefighters'
Retirement trust Funds Office

Florida Division of Retirement
Department of Management Services
Tallahassee, Florida

**46TH ANNUAL POLICE OFFICERS' AND FIREFIGHTERS'
PENSION TRUSTEE CONFERENCE**

November 2, 3 & 4, 2016

**Radisson Resort, Orlando - Celebration
2900 Parkway Boulevard, Kissimmee, FL 34747**



THURSDAY, NOVEMBER 3, 2016 – FIRST DAY OF REGULAR PROGRAM

7:30 – 8:00 a.m.	Registration – No Registration Fee Coffee and Tea Available
8:00 – 8:30 a.m.	Invocation Chaplain, Kissimmee Police Department
	Pledge of Allegiance Kissimmee Firefighters' Honor Guard
	Welcome Elizabeth Stevens State Retirement Director Division of Retirement Tallahassee, Florida
8:30 – 9:30 a.m.	Nationwide Pension Plan Court Case Update Robert D. Klausner, Esquire Attorney at Law Klausner, Kaufman, Jensen & Levinson, P. A. Plantation, Florida
9:30 – 10:30 a.m.	Chapter 112 Compliance Ken Harrison Attorney at Law Sugarman & Susskind Coral Gables, Florida
10:30 – 10:45 a.m.	Refreshment Break
10:45 – 11:45 a.m.	Disability Lee Dehner Attorney at Law Christiansen & Dehner, PA. Sarasota, Florida
11:45 a.m. – 1:15 p.m.	Lunch on Your Own

**46TH ANNUAL POLICE OFFICERS' AND FIREFIGHTERS'
PENSION TRUSTEE CONFERENCE**

November 2, 3 & 4, 2016

**Radisson Resort, Orlando - Celebration
2900 Parkway Boulevard, Kissimmee, FL 34747**



1:15 – 2:30 p.m.	Actuarial Hot Topics Brad Heinrichs Actuary Foster & Foster Ft. Myers, Florida
2:30 – 2:45 p.m.	Refreshment Break
2:45 – 3:45 p.m.	Building a Prudent Investment Program Dan Johnson Director, Senior Consultant The Bogdahn Group Orlando, Florida
3:45 – 4:45 p.m.	Investments & Market Trends W. Gregory Holden Vice President/Client Consultant Manning & Napier St. Petersburg, Florida
4:45p.m.	Adjourn until Friday

**46TH ANNUAL POLICE OFFICERS' AND FIREFIGHTERS'
PENSION TRUSTEE CONFERENCE**

November 2, 3 & 4, 2016

**Radisson Resort, Orlando - Celebration
2900 Parkway Boulevard, Kissimmee, FL 34747**



FRIDAY, NOVEMBER 4, 2016 – SECOND DAY OF REGULAR PROGRAM

8:00 – 8:30 a.m.	Registration – No Registration Fee Coffee and Tea Available
8:30 – 9:30 a.m.	IRS Issues Relating to Chapter 175 & Chapter 185 Pension Plans Richard E. Burke, Esq. Attorney at Law Gray Robinson, P.A. Orlando, Florida
9:30 – 10:30 a.m.	Forfeitures Pedro Herrera Attorney at Law Sugarman & Susskind Coral Gables, Florida
10:30 – 10:45 a.m.	Refreshment Break
10:45 a.m. – 12:30 p.m.	Online Reporting Sarah Carr Bureau of Local Retirement Systems Tallahassee, Florida
12:30 – 1:00 p.m.	Q&A
1:00 p.m.	Conference Adjourns

46th Annual Police Officers' & Firefighters' Pension Conference

ROBERT D. KLAUSNER, ESQUIRE
PRINCIPAL
KLAUSNER, KAUFMAN, JENSEN & LEVINSON
7080 NW 4th Street
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Phone: 954/916-1202
Fax: 954/916-1232
E-mail: bob@robertdklausner.com
Website: www.robertdklausner.com

Robert Klausner is the principal in the law firm of Klausner, Kaufman, Jensen & Levinson. For more than 38 years, he has been engaged in the practice of law, specializing in the representation of public employee pension funds. The firm represents state and local retirement systems in more than 20 states.

Mr. Klausner has assisted in the drafting of many state and local laws on public employee retirement throughout the United States. Mr. Klausner is a frequent speaker on pension education programs and has also published numerous articles on fiduciary obligations of public employee pension trustees. He is the co-author of *State and Local Government Employment Liability* published by Thompson Reuters. In 2009, Mr. Klausner authored the first comprehensive book on public pensions entitled *State and Local Government Retirement Law; A Guide for Lawyers, Trustees, and Plan Administrators* for West Publishing. An updated version will be released in November 2016.

Mr. Klausner graduated *Phi Beta Kappa* from the University of Florida with a Bachelor of Arts and from the University Florida College of Law with the degree of Juris Doctor. For more than 20 years, Mr. Klausner has been listed in the publication *The Best Lawyers in America* and holds an "AV-Preeminent" rating, the highest rating for competence and ethics, from Martindale Hubbell national lawyer rating service. In 2008, Mr. Klausner successfully represented the Commonwealth of Kentucky and the Kentucky Retirement Systems in the United States Supreme Court in ***Kentucky Retirement Systems v. Equal Employment Opportunity Commission, 128 S. Ct. 2361 (2008)***. Mr. Klausner lives in Cooper City, Florida with his wife of 40 years, Kathy. They have four daughters, four son-in-laws and four grandchildren.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.



A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS
ATTORNEYS AT LAW

**FLORIDA DIVISION OF RETIREMENT
46TH ANNUAL POLICE OFFICERS' AND
FIREFIGHTERS' PENSION TRUSTEES' CONFERENCE
CELEBRATION, FLORIDA
NOVEMBER 3, 2016**

NATIONAL CASE LAW UPDATE

Presented by
Robert D. Klausner, Esquire
Anna Klausner Parish, Esquire

7080 NORTHWEST 4TH STREET, PLANTATION, FLORIDA 33317

PHONE: (954) 916-1202 • FAX: (954) 916-1232
www.robertdklausner.com



Administrative Cases

Kentucky Appeals Court Rejects Sovereign Immunity Claim by Retirement System.

Kentucky Retirement Systems was sued in a class action by a participating city claiming the Board engaged in various improprieties in the choice of alternative investments and in the payment of allegedly excessive management fees. The cities complained that KRS should not have purchased unregistered securities. The complaint sought a declaration that the Board had violated its fiduciary duty. In addition the suit sought to prohibit the use of KRS assets to pay the management fees and an accounting. The Board moved to dismiss on sovereign immunity grounds and a trial court denied the motion. On appeal, the Kentucky Court of Appeals held that sovereign immunity did not bar the suit because no monetary damages were sought. The court also found that the ability of KRS to sue and be sued acted as a waiver of immunity for non monetary damage suits. The order denying the motion to dismiss was affirmed and the case permitted to proceed.

Board of Trustees v. City of Fort Wright, 2016 WL 5319180 (Ky. App. 9/23/2016).

Texas Court Holds Delegation of Management to Pension Board Not Unconstitutional.

The City of Houston, faced with a burgeoning debt, challenged the constitutionality of the statute creating its Firefighter Retirement System. The City contended that delegating management to the board of trustees to, among other things, hire the actuary and adopt contribution rates and actuarial assumptions was not unconstitutional. The Court noted that the legislature had broad authority to establish retirement plans and to empower their management by board of trustees, which were public and not private bodies. The Court noted that empowering the Board to retain an actuary and to act on the recommendations was not tantamount to control of the actuary nor was it a “rogue” operation. The Court found that the statutory regime governing that plan and all similar plans was reasonable and was not unconstitutionally vague.

City of Houston v. Houston Firefighters Relief and Retirement Fund, 2016 WL 47055928 (Tex. App. 9/8/2016).

Board of Trustees Could Recoup Money Incorrectly Paid to Member.

Former employee sued the Louisiana State Employees' Retirement System (LASERS) seeking declaratory judgement that LASERS did not have the authority to reduce his retirement benefits, even though prior litigation had determined the employer miscalculated his base income for purposes of his retirement benefit. The employee asserted a procedural argument, that the Board had to use a specific process found in statute, whereby the director of the system was required to present evidence of an administrative error to the Board prior to the Board making adjustments to a pension benefit. The Louisiana Supreme Court rejected that argument. It held that the statute relied upon by the employee focuses on the duties of the Director, and specifically directs what the director may do upon finding an administrative error. The Board however, is controlled by the statute that governs its powers and duties. That statute provides a mandatory direction to adjust amounts payable to retirees to recover overpayments when necessary. The statutes were not in conflict; therefore the reduction was a proper exercise of the Board's power.

Slaughter v. Louisiana State Employees' Retirement System, 180 So. 3d 279 (La. 2015).

City Could Not Compel Board to Provide Actuarial Data Not Required by Statute.

Texas law requires that each retirement system is statutorily required to employ an actuary, and the actuary is required to make a valuation of the system's assets and liabilities at least once every three years. In addition to the periodic audits by the Fund's auditor, a second audit is required every five years by an independent auditor hired by the City. The City of Houston conducted an audit on the Houston Firefighters Relief and Retirement Fund in 2008, pursuant to state law. Shortly thereafter, in 2011, the City advised the Fund that it planned to do a "replication audit" and requested the Board to provide detailed information relative to the July 1, 2011 valuations. The Board refused and the City filed an original petition for writ of mandamus to compel the Board "to provide to Houston all underlying documents, information, and/or electronic data for all the Fund's valuations, studies, and reports for each year since at least 2000." The City claimed that pursuant to Section 802.1012 of the Texas government code, the Board had a duty to provide the information sought, which included "census data," i.e., individual pension member and survivor information such as gender, date of birth, hire date, compensation, pension contributions, and pension account balances. Specifically, the City alleged that "the Board has a ministerial duty to release the underlying materials for the

Fund's valuations, studies, reports, and audits to Houston” and, therefore, “has no discretion to refuse to comply with Houston's request for these materials.”

On appeal, the appellate court explained that Texas law generally authorizes mandamus relief to compel a public official or body to either perform a ministerial duty or to correct a clear abuse of discretion. An act is ministerial, or nondiscretionary, when “the law clearly spells out the duty to be performed with sufficient certainty that nothing is left to the exercise of discretion.” The appellate court held that neither the language of section 802.1012(c) nor the legislative intent prescribed or defined a specific duty to act and, to the extent it implies a duty, it failed to do so with the “precision” and “certainty” necessary to make the action ministerial. Whether the scope of the information requested by the City's actuary extended beyond information “reasonably necessary” for the purposes of the audit was a question of degree. The court held that because it was not specified in the statute with sufficient detail to remove all exercise of discretion by the Board, mandamus would not be issued.

Bd. of Trustees of Houston Firefighters' Relief & Ret. Fund v. City of Houston, 466 S.W. 3d 182, 185 (Tex. App. 2015).

Intergovernmental Agreement Providing Benefits to Member Enforceable Against City.

Appellant worked for Village of Bensenville fire department for 29 years and during that time rose to the level of chief of fire department. In his 29th year, a citizen referendum abolished the fire department, so the appellant advised the city leaders that he wanted to retire at 30 years. With the absorption of the Village fire personnel into the fire district, the appellant would be given a lieutenant's position. The method of determining the level of benefit under the Village pension plan was by salary at the date of retirement. The appellant declined to work for the new district because his salary would be lower, thus affecting his retirement benefit. As a reward for long service, the Village offered to give appellant a raise just before he left in his 29th year, which would have the effect of obtaining a pension benefit at 29 years, equivalent to 30 years at his normal salary. Because with the absorption of personnel into the fire control district, the pension obligations would also go to the district, the Village and District executed an intergovernmental agreement articulating this arrangement. The appellant, relying on the assertions of the Village and the intergovernmental agreement language, retired. When it came time to fund the retroactive salary increase, the Village failed to make the appropriation, and his

pension was thus \$6000 less per year than he expected. The appellant brought an action to enforce the agreement as a third party beneficiary.

The rule in Illinois is that if a contract is entered into for the direct benefit of a third person, the third person may sue for a breach of the contract in his or her own name, even though the third person is a stranger to the contract and the consideration. The promise does not have to be for the sole benefit of the third party as long as it is for [the third party's] direct or substantial benefit. In contract interpretation, there is a strong presumption against the conferring of benefits to non-contracting third parties.

In order to overcome that presumption, the implication that the contract applies to third parties must be so strong as to be practically an express declaration. The court examined the language of the intergovernmental agreement, which stated, "The Village will adjust Chief Barba's compensation for pension purposes in an amount sufficient to assure that Chief Barba will enjoy a retirement benefit equal to that which he would have enjoyed had he continued to serve at his present rank until February[] 2008, which would have been his 30th year of service." The court found the language clear and unequivocal. The Village asserted that the agreement did not explicitly state that an appropriation would be done, but the court held this argument was a misrepresentation of the agreement. The only way to fund the language of the agreement was through a municipal ordinance appropriation, and the argument was thus unreasonable.

Barba v. Vill. of Bensenville, 29 N.E.3d 1187 (Ill. App. 2015).

Benefits Cases

New York Court Rejects Attempt to Overcome Presumptive Disease By Conjecture.

An 18 year veteran of the NYPD was near the end of her shift when she heard a report of an armed murder suspect at large. The officer volunteered to investigate. As she was exiting the patrol car, she complained of being light-headed to her partner and was rushed to the hospital. She was diagnosed with a ruptured aneurysm and a brain hemorrhage. The officer applied for disability retirement. The Medical Board of the retirement system concluded that the cerebral aneurysm was a congenital abnormality. The retirement board denied the application in a 6-6 tie. The court concluded that the wrong standard was used and that the medical board conclusion that the cause of the stroke was congenital was a matter of conjecture. There was no evidence to rebut the presumption that the stroke was duty related

and in the absence of such evidence, the officer was entitled to a disability retirement.

Kersellius v. Bratton, 2016 WL 4820430 (App. Div. 9/14/2016).

Aggravation of Pre-Existing Condition Results in Non-Duty Disability.

A Baltimore City firefighter was ascending a spiral staircase in the firehouse and hit his head on the top landing. He was treated medically for blurred vision, nausea and neck stiffness. The firefighter suffered from degenerative disc disease which was aggravated by the injury. Ultimately, it was determined that the firefighter was disabled from further fire service. The medical board unanimously determined that the disability was the result of disc degeneration, aggravated by the head contusion. As a result the pension board granted a non-line of duty disability. A trial court reversed. On appeal, the Maryland Court of Special Appeals found that its sole function was to determine if the retirement board decision was based on competent and substantial evidence. Given the unanimous conclusion of the medical board that the disability was the result of disc degeneration, the non duty disability was affirmed.

Fire & Police Employees' Retirement System v. Green, 2016 WL 4076419 (Md. App. 7/29/2016).

Washington Court Finds Service Disability Need Not be Based Solely on Work Related Injury But Upholds Factual Finding of Non-Duty Cause.

A firefighter in Washington state applied for a duty related disability retirement based on mental illness. The firefighter had been abused as a child and suffered from depression and anger management issues. After 18 years on the job, he resigned and applied for service connected disability retirement. He claimed that his disability arose from being wrongly accused (and later exonerated) of inappropriate contact with a minor patient; being wrongly accused (and later exonerated) of having an extra-marital affair while on duty; having a verbal altercation with hospital staff arising from a transport of an injured patient; and an additional on the job incident leading to his ultimate resignation. The employee argued that the enumerated incidents aggravated his childhood pre-existing condition. While agreeing that aggravation can be a basis for a service disability, the evidence in this particular case did not establish that the mental illness would not have arisen but for the job incidents. An

award of non-duty disability was found to be based on competent and substantial evidence and the court declined the employee's invitation to re-weigh the evidence.

Shaw v. State Dept. Of Retirement Systems, 371 P.3d 106 (Wash. App. 2016).

Creating a Vested Right to a Pension Does Not Create a Vested Right to Retiree Health Care Subsidies.

Plaintiffs were employees of Milwaukee County, Wisconsin. The county provided retirees with reimbursement of Medicare Part B premiums, but in 2011, the county amended the ordinance to no longer offer the benefit to those who retired after April 1, 2011. The Plaintiffs argued that the local ordinance abrogated a vested contractual right, which they were granted via the law creating and administering the Milwaukee County Retirement System (MCERS). In particular, plaintiffs relied on a legislative statement that MCERS members, "shall have a vested right to such annuities and other benefits and they shall not be diminished or impaired by subsequent legislation or by any other means without his consent." The court reviewed the legislative history of MCERS and ruled that the quoted legislative language referred solely to pension and death benefits and could not have referred to health insurance because at the time of enactment Milwaukee County did not pay health insurance for its employees or for its retired employees. Therefore, the "vested right" referred to by the legislature referred only to pension and death benefits. Additionally, the court explained that the legislation providing the health insurance benefits is found in a different chapter of the local code than MCERS legislation, so the vested benefit language could not be inferred.

Schwegel v. Milwaukee Cnty., 859 N.W.2d 78 (Wi. 2015).

Board Erred When it Found Retiree Was Employed in a Position Covered by the State Retirement System.

Appellant retired from NJPFRS after 30 years of employment in various law enforcement positions and took a position as a civilian director of public safety at a New Jersey state college. Within appellant's range of responsibilities was the indirect supervision of the college police department. After maintaining that employment for approximately three years, the Division of Pensions and Benefits asserted that appellant was reemployed in a position that should have fallen under PFRS and the appellant was obligated to return the sum of all retirement benefits received in the intervening three years plus payments into the plan that were not

made. A hearing was held in front of an Administrative Law Judge who looked at NJ law, which stated that if one retires from employment as a law enforcement officer, the person cannot obtain employment again in a direct supervisory role over law enforcement officers within six months.

The appellant claimed that his job did not entail a direct supervisory role. After review of the evidence, the ALJ ruled that the appellant did not have a direct supervisory role, but misread case law and held that the appellant still qualified for the PFRS covered position. The Board accepted the ALJ order without comment. On appeal, the appellate court held that since the Board accepted the ALJ's order without comment, and the ALJ was wrong in his analysis, the order is reversed. The court realized that it generally defers to an agency's interpretation of a statute it is charged with enforcing, but in this instance the ALJ's analysis was erroneous and the Board accepted it without comment. The court held that if the appellant did not have direct supervision over the police force, then he couldn't qualify for reenrollment in the system.

Kantner v. Police and Firemen's Retirement System, 2015 WL 4390249 (NJ App. 2015).

Board Can Apply Equitable Principles in Providing a Remedy.

Appellant retired from public employment in NJ in 1999, from which he received a pension benefit from the NJPERS. Shortly thereafter, appellant resumed part-time employment with four NJ public employers that were covered by PERS. In 2002, NJ law changed to reflect that the earning threshold for a PERS retiree working in a PERS-covered position for one or more public employers was changed to \$15,000 maximum per year from all PERS-covered employment. Appellant thereafter adjusted his hours and took pay cuts to remain employed while still receiving his pension benefit. In 2003 and 2004 the appellant exceeded the threshold. In 2007, the Board notified appellant that because his salary exceeded the threshold in those years, he was considered re-enrolled into PERS as a matter of law and that he owed PERS the pension benefits he received during that time. Appellant demanded a hearing whereby the ALJ issued an order stating the appellant earned more than \$15,000 during calendar year 2002 from his PERS covered employment and that the employment was neither temporary, nor seasonal nor intermittent as it was a year-round, budgeted position that lasted for over twelve months. Therefore, the ALJ concluded, "as a result of the level of earnings, [appellant] was required by [NJ statute] to re-enroll as an active member of the PERS. His pension benefits should have been canceled due to his re-enrollment." The ALJ ordered appellant to repay

benefits he erroneously received between 2002 and 2009. The Board affirmed the ALJ and the appellant appealed. During the appeal, the Board moved for remand to consider the equities of the appellant's situation. The Board thereafter issued an order reducing the debt owed to only those years where appellant worked more than the limit, but requiring payment after 2009 when he was affirmatively notified that he could not continue work in a PERS covered position. The appellant rejected the Board's decision and the appeal continued.

The appellate court held that the record fully supported the Board's decision. Further, the court explained that although not bound by an agency's interpretation of the law, the court would afford substantial deference to an agency's interpretation of laws it is responsible to enforce, and its interpretation will prevail so long as it is not plainly unreasonable. The court explained that the language of the statute is plain and unambiguous. The appellant was required to not earn more than \$15,000 per year and once having earned that sum, was reenrolled. To continue receiving benefits under the statute, the appellant had to re-apply for retirement to PERS and stop working those jobs.

In regards to appellant's arguments supporting equitable reduction of the remedy, beyond that offered by the Board, the court was unsympathetic. An agency given the responsibility of operating a retirement system has the authority to apply equitable principles to provide a remedy when justice so demands provided the power is used rarely and sparingly, and does no harm to the overall pension scheme. In applying equitable principles, the Board must carefully balance the relevant public and private interests. Although pension statutes are to be liberally construed, a member or retiree only has those rights and benefits provided by those statutes and their enabling regulations. The Board acts in a fiduciary capacity with the obligation to serve the pension fund and all its beneficiaries. Without a 'clear showing' that it is arbitrary, capricious, or unreasonable, or that it lacks fair support in the record, an administrative agency's final quasi-judicial decision should be sustained, regardless of whether a reviewing court would have reached a different conclusion in the first instance.

Bonanno v. Bd. of Trustees of Pub. Employees' Ret. Sys., 2014 WL 8883200 (N.J. Super. Ct. App. Div. 2015).

Health Trust Board of Trustees Does Not Have Standing to Sue on Behalf of Members.

The City of Pontiac, Michigan created a health insurance trust (City of Pontiac Police and Fire Retiree Prefunded Group Health and Insurance Plan) to provide for health benefits in retirement for its police and firefighter employees. In 2012, the city's emergency manager issued executive orders modifying the healthcare benefits set forth in the various collective bargaining agreements between the city and police and fire unions. The executive orders modified retirees' healthcare benefits by requiring pre-Medicare-aged retirees to enroll in a Humana PPO Plan, limiting Medicare-aged retirees to a Medicare Advantage Plan G, eliminating defendant's reimbursement of retirees' Medicare Part B premium, and requiring pre-Medicare-aged retirees to pay the amount above the "hard cap" or pay 20 percent of annual rates, whichever is greater. The board of trustees for the plan filed suit, asserting that the city violated the Michigan constitution's prohibition on diminishing pension benefits, the city improperly sought to amend the trust by eliminating its obligation to financially contribute to the trust, and breach of contract. The city argued the board did not have standing to assert diminishment claims on behalf of the trust members, and that the constitutional guarantees on pension benefits do not include health care benefits.

The appellate court recognized that the board of trustees has standing to enforce the terms of the trust agreement, however, the retirees' rights to healthcare benefits flow from collective bargaining agreements, so they are consequently governed by ordinary contract principles. The court observed that a party asserting a breach of contract must establish by a preponderance of the evidence that (1) there was a contract (2) which the other party breached (3) thereby resulting in damages to the party claiming breach. In this case, the board of trustees asserted no damages to itself as the governing corporate entity of the trust as a result of modifications to the collective bargaining agreements that affect retiree benefits. Rather, the board attempted to assert the rights of the retirees. As the board of trustees was not a party to the collective bargaining agreements, an assignee of a party to the contracts, or a third-party beneficiary of the collective bargaining agreements it could not assert rights created in those documents. In regards to the constitutional issue, the threshold question regarding whether the terms of the Michigan Constitution apply is whether "accrued financial benefits" are at issue. Health care benefits, the court held, are not benefits of this sort.

Pontiac Police & Fire Retiree Prefunded Grp. Health & Ins. Trust Bd. of Trustees v. Pontiac No. 2, 309 Mich. App. 611 (2015).

Employee's Application to Enter DROP is Effective, Despite Corrections Made to the Form.

In February 2011, appellant attempted to enroll in the Ohio Police and Fire Pension Fund DROP program, by completing and submitting the required election form. The election form had been changed in multiple ways through the use of whiteout, to include correcting the designation of appellant's marital status from "single" to "divorced," to change the payment plan and to change beneficiary information. A letter was sent the next day to the appellant, in her former name, indicating the fund had received the election form, but that it was not accepted because the form was "incomplete." Appellant denied receiving the letter, which was addressed to her former name. On April 15, 2013, general counsel for OP&F sent a second letter to appellant further explaining why she was not enrolled in DROP. The letter stated the first election form was not "fully and properly completed" because it had been "altered." The next week the appellant completed and submitted a new election form to OP&F. The second election form also contained a correction using whiteout, which changed the appellant's marital status from "single" to "divorced." The fund accepted the new election form, and, appellant was enrolled in the DROP program effective the date of the second form.

The appellant appealed the OP&F's rejection of the first election form. The court first observed that the state retirement systems, including OP&F, are creatures of statute and can only act in strict accordance with their enabling schemes. Ohio statute requires the board to establish and administer a DROP and to adopt rules to implement the statutes governing DROP. Pursuant to the rules, to make an election to participate in DROP, an eligible member shall complete and submit a form prescribed by OP&F. The court reviewed the form and noted that the appellant used the form prescribed by the OP&F, but simply made corrections to it. The corrected form was legible and clearly indicated the appellant's intentions regarding enrollment in the DROP. The court held that the appellant followed the statute, and the regulations did not indicate that whiteout corrections were prohibited. Further, the court held that the fund's "zero tolerance" policy on corrections to the form was an abuse of discretion and reversed the Board's rejection of the DROP enrollment form, and directed the board to accept the form as filed in 2011. The case was later settled and the opinion was withdrawn on that basis.

State ex rel. Fitzgerald v. Ohio Police & Fire Pension Fund Bd. of Trustees, 53 N.E.3d 898 (Ohio App. 2015), 145 Ohio State 3d 1475 (2016).

California Judge Cannot Obtain Disability Benefit and Lump Sum Return of Contributions.

Under CalPERS' judges' retirement system, a judge who has either served 20 years and reached age 65, or served five years and reached age 70, is eligible for normal retirement. Upon retirement, a judge must "elect" to receive either (1) a "monthly retirement allowance" or (2) a lump sum equal to the judge's accumulated "monetary credits"—an amount equal to 18 percent of the judge's monthly salary for every month of the judge's service, plus the fund's net earnings on that amount—payable either in a single payment or in installments over time, at the judge's election. If a judge leaves service but does not qualify for normal retirement, he or she is eligible for an early retirement benefit. A judge who leaves service before accruing five years of service may receive a refund of his or her eight percent monthly contributions into the JRS II fund plus interest. If five or more years of service have been accrued, the judge may receive a distribution of his or her "monetary credits"—as noted above, an amount equal to 18 percent of the judge's monthly salary for every month of service. A judge who becomes disabled may, "with his or her consent," apply for a disability retirement benefit. The disability retirement benefit is a monthly allowance—like the normal retirement benefit, essentially an annuity—tied to a percentage of the judge's final salary and capped at 65 percent. Unlike the early retirement benefit, the disability retirement benefit comes with certain restrictions on the judge's post-retirement employment that remain in effect until the judge reaches the age he or she would have been eligible for normal retirement.

Appellant judge contended that a judge who becomes disabled may first apply for and obtain a disability retirement benefit, and then still proceed to receive the retirement benefit appropriate to his or her years of service. The appellate court considered the statutory scheme and disagreed. First, the statute that provides the early retirement benefit expressly states that the retiring judge is to receive the specified lump sum "and no other amount." Second, the structure of the system's benefits generally suggests that retiring judges are to receive either a monthly retirement allowance or a lump sum payment, but not both. As example, judges qualified for normal retirement must "elect" between retirement allowance and lump sum payment of monetary credits. Judges who leave service before becoming eligible for normal retirement may receive an early retirement benefit of a lump sum payment, "and no other amount." Judges who qualify for disability retirement may receive a monthly allowance, despite having not reached normal retirement eligibility, but there is no explicit provision allowing such judges also to receive a lump sum payment of contributions or monetary credits. Third, the legislative history of the judges' pension system provides no support for appellant's interpretation. The

judges' pension system was enacted to "provide a new, lower tier of benefits for judges" because the prior system was "actuarially unsound from its inception." The court stated an interpretation that allowed judges to receive two retirement benefits—not only a monthly allowance, but also payment of a large portion of the sums contributed to the retirement fund by the judge and the state during his or her service—would hardly further the ostensible goal of creating a new, actuarially sound retirement system. Finally, the court observed, the appellant's interpretation falters on the principle that courts must avoid statutory interpretations that lead to unreasonable results. Under appellant's interpretation, judges who are eligible for disability are entitled to two retirement benefits, even though they have funded through their contributions only a portion of one.

Warner v. California Pub. Employees' Ret. Sys., 190 Cal. Rptr. 3d 870 (2015).

Teachers on Disability Could Not Work as Web-Based Teachers for Private Institution.

Appellants were employed by the St. George Community Consolidated School District, and in 2008 were awarded disability benefits by the Teachers' Retirement System (TRS) based on their post-traumatic stress disorder. In March 2010, TRS began investigating plaintiffs' employment as adjunct web-based instructors at a private university. TRS subsequently notified appellants that their rights to receive disability benefits terminated the year before and due to their employment and sought reimbursement of benefits paid. Plaintiffs appealed the TRS staff determination, which was affirmed by the TRS board and a circuit court. On appeal the appellants asserted that the code sections related to reemployment while on disability is ambiguous and their employment at the private university did not violate the code section prohibiting reemployment.

The appellate court held that the statutory language was clear, and the language was not susceptible to more than one reasonable interpretation. According to the court, the code sections plainly state disability benefits are not payable to members who are employed in any capacity as a teacher by a TRS employer or any other public or private school, college, or university. These provisions were intended to prevent members from receiving disability benefits while earning money as a teacher. In regard to the appellants' ambiguity argument, the appellants asserted that the phrase "benefit is not payable" in the code is ambiguous because it is susceptible to two or more reasonable interpretations—i.e., whether its application is prospective or retroactive. The court disagreed, stating the plain and ordinary wording showed the penalty for returning to work as a teacher is prospective in

application, noting otherwise the member would have to pay back all benefits paid and the legislature did not want members who violated section to forfeit all of their disability benefits. The purpose was to forfeit only those benefits provided during the term of reemployment.

Nuzzi v. Bd. of Trustees of Teachers' Ret. Sys. of State, 27 N.E.3d 1054 (Ill. App. 2015).

Divorce Revokes Beneficiary Designation by Operation of the Law.

Decedent worked as a toll collector for the New Jersey Highway Authority, pursuant to which he was a member of NJPERS. The Decedent named his then-wife and their son as primary beneficiaries of his PERS (1) group life insurance and (2) return of accumulated pension deductions, without naming a contingent beneficiary. Three years later decedent and then-wife divorced. The settlement agreement stated, "The husband shall maintain any life insurance from his work which may exist designating the minor child of the marriage as the irrevocable beneficiary of said policy for as long as he has a child support obligation. The wife shall be named as the irrevocable trustee." At that time, the decedent filed with the Division of Pension and Benefits an updated designation form listing his son as the primary beneficiary and the (now) ex-wife as the "informal trustee" for the son. Decedent also named his mother as a contingent beneficiary. The updated designation form contained errors, so it was rejected. The Division notified the decedent, but there was no evidence in the record that decedent ever took action to correct the designation. Four years later decedent married a second wife, but passed away nine months afterwards.

Two days after decedent's death, the mother contested the designation of the ex-wife as beneficiary. The Division replied that the ex-wife was no longer a beneficiary by operation of law and the son was the sole beneficiary. Six months later the second wife (as executor of decedent's estate) filed suit in NJ trial court, but it was remanded to the NJPERS Board of Trustee for administrative action. The Board reviewed the facts and affirmed the Division's finding of the son as sole beneficiary. The Board based its decision on the legislative intent of the statute revoking former spouses' status as beneficiaries, the divorce settlement agreement and the language of the erroneous designation form rejected by the Division. On appeal that appellate court held that the first benefit designation form controlled, and when the divorce occurred, the ex-wife's share was revoked. Further, the court held that because NJ

statute doesn't allow for the pension to be given to the estate of a deceased person unless all beneficiaries pre-decease the employee, the second wife takes no share.

Burgos v. Bd. of Trustees, 2015 WL 5837616 (N.J. Super. Ct. App. Div. Sept. 30, 2015).

After Death of Both Retiree and Beneficiary the Retiree's Successors are entitled to Guaranteed Payments, Not the Beneficiary's Successors.

The decedent was a state employee and consequently a member of PERS. In October 1999, she applied for disability retirement and named her daughter as her beneficiary, without naming a contingent beneficiary. At the time of the election of benefits, Mississippi code stated that if the retired member and the member's beneficiary die, the actuarial equivalent of the remaining guaranteed payments would be paid to the estate of the retired as intestate property. Soon after making these elections, the decedent died. Six months after decedent's death, the Legislature amended the code, which directed PERS, in the event "the retired member or the last designated beneficiary both die before receiving all guaranteed payments due," to pay "the actuarial equivalent of the remaining payments" in a manner that would award the payments to the beneficiaries' survivors. In August 2011, the decedent's daughter also died, which left an actuarial equivalent of the more than eight years of remaining guaranteed payments to be \$110,163. The successors of the decedent and the daughter's half-sister (who was not related to the decedent) claimed entitlement to the remaining guaranteed payments.

The Mississippi Supreme Court held that the Contract Clauses of the state and federal constitutions are substantially similar, forbidding the Legislature from passing laws that will impair the obligation of contracts. The 'obligation' of a contract, in a constitutional sense, depends on the law in effect when that contract was made. The legislature may alter a retirement system member's contractual rights, the court explained, but if doing so subjects the member to a substantial disadvantage, a substantial new advantage must also be conferred upon that member in order to pass constitutional muster. The statutory revisions at issue deprived the decedent of a significant contractual right, the right to choose how her benefits were to be disbursed and to whom, without conferring any additional benefits to her. At the time the decedent chose her retirement benefits in 1999, she chose that, if she and her daughter were to predecease the end date of the benefits, the benefits would go to her estate as intestate property, and thus, her heirs. The 2000 code amendments changed this contract and designated themselves the person or persons to whom

the benefits will be distributed. Thus, it was error for PERS and the courts to use current code provision to determine who receives the benefits, as all involved should have looked to former code provisions as part and parcel of the contract between the decedent and PERS.

Vaughn v. Pub. Employees' Ret. Sys. of Mississippi, 2015 WL 7074578 (Miss. Nov. 12, 2015).

Constitutional Cases

California Appeals Court Rewrites "California Rule".

In an effort to respond to the rise of "pension spiking," the California Legislature enacted the California Public Employees' Pension Reform Act of 2013. The act made critical changes to how pension benefits would be calculated. Three weeks after the act was passed, five labor unions together with a number of individuals currently employed by Marin County instituted an action against the Marin County Employees' Retirement Association (MCERA). On August 17, 2016, a state appellate court in San Francisco unanimously ruled that Pension Reform Act was not unconstitutional as it applied to the plaintiffs' rights. While the main issue of the case was to prevent employees from boosting their benefits, the court went beyond the issue of spiking and addressed the broad constitutional protection provided by the California Rule, which prohibits virtually any changes from being made to pension benefits once they are given.

In 1983, The Supreme Court of California stated, in *Allen v. Board of Administration*, "Any modification of vested pension rights must be reasonable, must bear a material relation to the theory and successful operation of a pension system, and when resulting in disadvantages to employees, must be accompanied by comparable new advantages." In addressing this case, the appellate court determined that the court's meaning of "must" in *Allen* was not the literal meaning but rather that the court intended it be read as merely a recommendation.

According to the court, prior to retirement, the legislature may alter the calculation formula thereby reducing the anticipated benefits as long as the modifications don't deprive an individual of a "reasonable pension." As a result of the decision, the lines determining what constitutes a reasonable pension have been blurred. This could allow employers to arbitrarily determine what is "reasonable." This could potentially open the door to a surge of litigation.

Marin Ass'n of Public employees v. Marin County Employees Retirement Ass'n., 2 Cal. App. 5th 674 (Cal. App. 2016).

New Jersey Supreme Court Holds COLA not Constitutionally Protected.

In a 6-1 decision, the New Jersey Supreme Court upheld a freeze on COLA benefits under a 2011 law designed to assure full funding of the state retirement systems, several of which are within 10 years of insolvency. In 2015, the Supreme Court held the funding aspect of the law was not enforceable in the absence of a legislative appropriation, signed by the Governor. Despite the fact that the benefit to the employees (full funding) which was designed to offset the burden (COLA freeze and significantly increased employee contributions) was deemed unenforceable, the Court upheld both the COLA freeze and the increased contributions.

Berg v. Christie, 137 A.3d 1143 (N.J. 2016).

Change in Definition of Earnable Compensation Does not Unconstitutionally Impair Benefits

Beginning in 1975, the Alabama ERS determined that earnable compensation could include overtime and subsistence allowances. The statute defining earnable compensation was silent on the precise elements. In 2011, the Board sought an opinion from the state attorney general as to whether such payments were authorized by statute and whether the longstanding policy was lawful. The AG opined that the payments were not authorized. As a result, the ERS stopped collecting contributions. In February 2012, a group of police officers and their association filed suit contending the change in policy was an unconstitutional impairment of contract as the 36 year policy had essentially formed a pension contract. During the pendency of the suit, in 2012, the state legislature amended the statute to make it clear that overtime and subsistence payments were not pensionable compensation. In rejecting the claims of employees, the Alabama Supreme Court found that the statute at issue did not unmistakably confer binding contracts which could not thereafter later be altered by the legislature on a prospective basis. The Court also noted that the inclusion of overtime and subsistence allowances was by Board policy which cannot bind the Legislature rather than by specific legislation.

Southern States PBA v. Bentley, 2016 WL 53338749 (Ala. 9/23/2016).

Ordinance Amendment Could Not Curtail COLA Payments to Those Already Retired.

The City of San Francisco operates its own retirement system, which is known as the San Francisco Employees' Retirement System (SFERS) and is overseen by the City's Retirement Board. Retired City employees are eligible to receive an annual cost of living adjustment to their pension payments based on changes in the Consumer Price Index (the basic COLA), generally of up to two percent. In 1996, City voters adopted a supplemental COLA for City retirees in addition to the basic COLA, which required "all earnings of the Retirement Fund in the previous fiscal year which are in excess of the expected earnings on the actuarial value of the assets" to be placed in a reserve account and used to pay a supplemental COLA of up to three percent of current benefits, inclusive of the basic COLA. In 2002, City voters passed an initiative making the supplemental COLA permanent, in the sense that once it had been added to an employee's pension payment, it could not be reduced. In fiscal year 2008–2009, the Fund lost about 25 percent of its value due to the financial crisis and economic downturn of that period and consequently, the Fund was no longer fully funded. In November 2011, City voters passed an initiative measure that conditioned the payment of the supplemental COLA on the retirement fund being "fully funded" based on the market value of the assets for the previous year. The appellant retiree organization filed suit.

The court started its analysis by observing that unlike other terms of public employment, which are wholly a matter of statute, pension rights are obligations protected by the contract clause of the federal and state Constitutions. Upon accepting public employment, one acquires a vested right to a pension based on the system then in effect, and to additional pension benefits conferred during his or her subsequent employment. While the constitutional proscription against the destruction of vested contractual pension rights does not absolutely prohibit their modification, a lawmaker's power to modify pension rights once vested is quite limited. With respect to active employees ... any modification of vested pension rights must be reasonable, must bear a material relation to the theory and successful operation of a pension system, and, when resulting in a disadvantage to employees, must be accompanied by comparable new advantages. As to retired employees, the scope of continuing governmental power may be even more restricted, the retiree being entitled to the fulfillment without detrimental modification of the contract which he already has performed. In California generally, the reduction of a cost of living allowance, without a comparable new advantage, has been held to impair the pension contract.

The court considered that because there might be some years in which the Fund will earn more than projected, but will not be fully funded under a market value measurement, the full funding requirement would result in a detriment to pensioners who would otherwise be entitled to receive the supplemental COLA. The court held that this diminution in the supplemental COLA could not be sustained as reasonable because no comparable advantage was offered to pensioners or employees in return. With respect to current City employees and employees who retired after the supplemental COLA first went into effect on November 6, 1996, the full funding requirement was struck down. With respect to employees who retired prior to November 6, 1996, the court concluded they had no vested contractual right in the supplemental COLA and that consequently, the 2011 amendment may be applied to their pensions.

Protect Our Benefits v. City & Cty. of San Francisco, 185 Cal. Rptr. 3d 410 (Cal. App. 2015).

Pension Plan Qualifications that are Rationally Related to a State Interest are Enforceable.

The New Jersey Police and Fire Retirement System (PFRS) is limited to those public safety personnel hired before the age of 35. If a law enforcement officer, correctional officer or firefighter is hired after the age of 35, he or she is placed into the New Jersey Public Employees Retirement System (PERS), which generally has lower benefits. Plaintiffs were a group of correctional officers who were older than 35 at the time of hire and objected to their placement into PERS. They claimed the age limit of thirty-five articulated in NJ statute did not apply to them and, even if it did, was arbitrary, capricious, unreasonable, void, and unconstitutional. Their case was dismissed by the trial court and they appealed. The appellate court reviewed the history of the act creating PFRS and found that throughout its history, no matter what changes were made to the act, the age limit remained intact, other than two 90-day windows of time where those older than 35 could transfer in.

The plaintiffs argued that the statute defining the job of correctional officer, which the PFRS relies upon for classification of those capable of enrolling in PFRS, did not prohibit those over 35 from starting a career as a correctional officer. The age limitation in PFRS statute, therefore, was arbitrary. The court rejected that theory holding the two issues were not in conflict, in light of the fact that seventy years of PFRS history has required those entering to be under the age of 35. The court further reasoned that because the statute had a rational basis; to encourage persons to become State corrections officers when they have “a level of physical attributes and energy which are found, statistically speaking, among younger members,” the

Constitution was not offended. Under the Equal Protection Clause of the United States and New Jersey constitutions, age is not a suspect class, nor is membership in a pension fund a fundamental right. For those reasons, the state could set age classifications if the purpose is rationally related to a legitimate state interest.

Piatt, et al v. Police and Firemen's Retirement System, 443 N.J. Super. 80 (NJ App. 2015).

Retiree Entitled to Retain Health Insurance.

A retired city employee claimed benefits under the City of Slidell insurance plan upon attaining age 65. At the time the employee retired, at age 60, retirees who attained age 65 were entitled to City paid health insurance. After the employee retired, but prior to his 65th birthday, the City amended the ordinance, requiring retirees to purchase Medicare coverage which provided less coverage than the City plan. The employee sued claiming a vested right to retiree healthcare. The City moved to dismiss claiming the statute of limitations ran 3 years after the ordinance was adopted rather than when the employee was denied coverage. A trial court denied the motion to dismiss and entered judgment for the employee. An appeals court affirmed the ruling. On review in the state supreme court, the employee's right to insurance was upheld. He became vested in the benefit when he retired and the City's attempt to divest him of those rights post retirement was an illegal breach of contract. The Court expressly found the insurance to be a vested retirement benefit which could not be retroactively diminished.

Born v. City of Slidell, 180 So.3d 1227 (La. 2015).

Forfeiture Cases

Failure to Articulate Specific Reasons for an Order of Forfeiture Required Reversal.

Appellant was an employee of the NJ Dept. of Corrections for 34 years. Several months before her retirement, she used her position to benefit a fraternal organization in which she was a member. After a hearing, the appellant was found by the NJ Ethics Commission to have violated the state ethics code, which the NJPERS Board used as evidence to move forward in a forfeiture of a portion of her retirement benefit. In NJ, to order a forfeiture under these conditions, the Board was required to undertake an evaluation of the facts based upon an eleven-part test in considering whether an employee's service was "honorable" for purposes of

receiving pension or retirement benefits. The facts of the case were heard by an ALJ, who issued an order wherein the ALJ only applied the facts to four of the eleven factors that the Board is required to consider. The Board adopted the ALJ's recommended order without comment. On appeal the appellate court reversed, stating that the ALJ's recommendations, adopted by the Board in a short letter without further elaboration, failed to give an adequate explanation of all the factors set forth in NJ statute. Those that were considered by the Board, the court explained, were formulaic and not sufficiently addressed in a detailed and balanced fashion. "Without the agency providing an adequate explanation of its findings as to each factor and how it weighed the factors to reach its conclusion, we are unable to appropriately perform our function as a reviewing court. Consequently, we are constrained to reverse the final decision and remand the matter to the Board for analysis of all the factors." The case was reversed and sent back to the Board for further analysis.

Johnson v. Pub. Employees Ret. Sys., 2015 WL 3632201 (N.J. Super. Ct. App. Div. June 12, 2015).

Conviction that is Set Aside Cannot be Cause to Forfeit Pension.

Appellant served over 23 years as a Galesburg police officer, resigned and retired. A few months later, appellant was charged with three felony offenses relating to his work as a police officer, two counts of unlawful possession of cocaine and one count of official misconduct. The charges were based upon appellant having stolen drugs from the police evidence vault for his own personal use while he was a police officer. The criminal trial court allowed appellant to enter a probationary drug treatment program, after which he would be allowed to set aside his convictions. Although the issue was never raised at the criminal trial court, the appellant was statutorily ineligible for this type of probation on the higher-level drug offense. The appellant completed the program and the trial court vacated the convictions.

The Board moved to forfeit appellant's pension and in reviewing the matter observed that appellant had pled guilty to the two job-related felony offenses, that he had been sentenced to drug treatment probation, and that the two convictions were later vacated by the trial court and the criminal proceedings dismissed based upon appellant's successful completion of probation. The Board nevertheless ordered the pension forfeited, finding that appellant was ineligible for drug treatment probation on the higher-level drug offense, that the sentencing order was void as to that offense, that the subsequent order vacating appellant's conviction for that offense pursuant to the TASC statute was also void, and that appellant's job-related conviction for that offense was still in effect. On review, the appellate court held that

the board, as a third party to the criminal proceedings, has no standing to challenge the initial sentencing order or the subsequent vacation order entered by the trial court in those proceedings. The board administrative review was not the criminal case, and the proper entity in the criminal case—the trial court—vacated the prior conviction. The Board, according to the appellate court, does not have the ability to decide for itself whether that vacation order was correct or whether it will honor that order in determining whether appellant is eligible for retirement benefits.

Hendricks v. Bd. of Trustees of Police Pension Fund of City of Galesburg, 38 N.E.3d 969 (Ill. App. 2015).

Judge found Guilty of Misconduct Forfeits Entire Pension, Not Just Pension Accrued for the Most Recent Term of Office.

Appellant was a Pennsylvania judge with over 19 years of credited service in the State Employees' Retirement System when he retired. Shortly prior to retirement, appellant was charged with bribery, official oppression and indecent assault and was suspended with pay by the Judicial Conduct Board. Appellant pleaded guilty to two charges of official oppression and two charges of indecent assault, for which he was sentenced to six months house arrest and four years' probation, and the bribery charges were withdrawn. SERS notified appellant that his pension benefits were being forfeited pursuant to the Public Employee Pension Forfeiture Act (PEPFA) as result of his guilty plea to charges of official oppression.

On appeal, the court noted that the Pennsylvania Constitution prohibits payment of any retirement benefits to any judge, including a magisterial district judge, who under Article V, Section 18 "is suspended, removed or barred from holding judicial office for conviction of a felony or misconduct in office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute." Additionally, the Judicial Code prohibits payment of any retirement benefits to any judge, including a magisterial district judge, who "is suspended or removed from office under section 18 of Article V or under Article VI of the Constitution of Pennsylvania." The court observed that the appellant's argument that PEPFA forfeiture is limited to the term of office during which he committed the crime is contrary to the language of PEPFA that the public official or employee shall not receive "any retirement or other benefit or payment of any kind except a return of the contribution paid into any pension fund without interest." The court considered the appellant's argument that the language of Section 3(c) of PEPFA stating, "each time a public officer or public employee is elected, appointed, promoted, or otherwise changes a job classification, there is a termination and renewal of the contract for purposes of this act," but held the language did not place any limit on the forfeiture

of all benefits required by Section 3(a) or suggest any intent to limit forfeiture. Rather, the court stated, it is intended to subject public officials and employees who began their public employment prior the enactment of PEPFA in 1978 to forfeiture of their entire pensions thereafter.

The court explained that with each appointment there is a renewal of the agreement to perform the term of public service without violating [PEPFA]; an agreement which encompasses all that has gone before. Thus, whether or not a public employee's right to receive retirement benefits has vested, or he or she is in actual receipt of benefits, all previous accumulated rights to receive such benefits are subject to forfeiture by and through the "renewed" agreement which is formed each time a person chooses to become a "public official " as defined by [Section 3(a)].

Cioppa v. State Employees' Ret. Sys., 2015 WL 5457851 (Pa. Commw. Ct. Aug. 3, 2015).

Member Plead Guilty to Theft from Employee Union and Not Employer, but Still Forfeited Pension.

Appellant was a member of the New Jersey Public Employee Retirement System, by virtue of her civilian employment as a record clerk with the Passaic County Sheriff's Office. Appellant was also the President of the Passaic County Sheriff's Department Professional Association, the union representing the civilian employees of the Sheriff's Office. After 18 years on the job, appellant was arrested on third-degree theft by deception, and charged with stealing \$23,581 from the union's bank account. Appellant pled guilty to the charge and received a sentence of probation for 364 days. She also agreed to make full restitution of the stolen funds to the Association. Further, appellant agreed to forfeit her public employment and was permanently barred from seeking public employment in the future. On the same day, Passaic County issued a Final Notice of Disciplinary Action, terminating appellant based upon charges of conduct unbecoming a public employee and involvement in a crime of moral turpitude that negatively affects the operation of the department. Appellant did not contest the removal.

The Board moved to forfeit the appellant's pension under NJ law. The Appellant contested the forfeiture, arguing the crime involved theft from the union, not Passaic County, her employer, and thus was not related to her employment. She also claims that she was not removed from her position as she had voluntarily relinquished her position earlier in the day by pleading guilty and agreeing to the order of forfeiture. The appellate court reviewed previous cases and held that the general rule is that a nexus between the position and the conduct has been found when conduct

touched on the job even if not part of the official duty. In this case, the appellant was president of the Association only because of her position as a records clerk in Passaic County. In that role, the court held, she stole money from her coworkers over the course of two years and it could not be said to be “wholly unrelated” to her position.

In re Jacalone, 2015 WL 3967756 (N.J. Super. Ct. App. Div. July 1, 2015).

FEDERAL AND TAX ISSUES

I. IRS ADDRESSES NORMAL RETIREMENT AGE REGULATIONS FOR GOVERNMENTAL PLANS.

A. The Background

1. IRS issues notice of proposed rule-making regarding normal retirement age rules for public plans.
2. The issue first arose in 2007 as part of the “definitely determinable requirement” in Section 401(a).
3. The issue was based on the application of Section 411 of the tax code which does not apply to governmental plans.
4. It quickly became clear that requiring a chronological age was inconsistent with many public plan designs.
5. The original regulations had a safe harbor age of 62 and a “facts and circumstances” exception from ages 55 to 62. Again, government plans permit younger retirement ages as many plans are based solely on service without regard to age.
6. After deferring application of the rule to public plans on several occasions, the IRS announced a modification to the rule in IRS Notice 2012-29 by establishing a public safety safe harbor of age 50.

B. IRS Bulletin 2016-17

1. Announced in January and issued on February 16, 2016.
2. Maintains a safe harbor age of 62 but added additional measures.

3. Non Public Safety Measures
 - a. Age 60 with 5 years.
 - b. Age 55 with 10 years
 - c. Rule of 80
 - d. 25 years at any age
4. Public Safety
 - a. Age 50
 - b. Rule of 70
 - c. 20 years at any age
5. Facts and circumstances test still available

C. The Full Text of the Proposed Regulation

§ 1.401(a)–1 Post-ERISA qualified plans and qualified trusts; in general.

* * * * *

(b) * * *

(2) * * *

(v) Rules of application for governmental plans—(A) In general. In the case of a governmental plan (within the meaning of section 414(d)) that provides for distributions before retirement, the general rule described in paragraph (b)(2)(i) of this section may be satisfied in accordance with paragraph (b)(2)(ii) of this section or this paragraph (b)(2)(v). In the case of a governmental plan that does not provide for distributions before retirement, the plan's normal retirement age is not required to comply with the general rule described in paragraph (b)(2)(i) of this section or this paragraph (b)(2)(v).

(B) Age 60 and 5 years of service safe harbor. A normal retirement age under a governmental plan that is the later of age 60 or the age at which the participant has been credited with at least 5 years of service under the plan is deemed to be not earlier than the earliest age that is

reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.

- (C) Age 55 and 10 years of service safe harbor. A normal retirement age under a governmental plan that is the later of age 55 or the age at which the participant has been credited with at least 10 years of service under the plan is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed.
- (D) Sum of 80 safe harbor. A normal retirement age under a governmental plan that is the participant's age at which the sum of the participant's age plus the number of years of service that have been credited to the participant under the plan equals 80 or more is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. For example, a normal retirement age under a governmental plan that is age 55 for a participant who has been credited with 25 years of service would satisfy the rule described in this paragraph.
- (E) Service-based combination safe harbor. A normal retirement age under a governmental plan that is the earlier of the participant's age at which the participant has been credited with at least 25 years of service under the plan and an age that satisfies any other safe harbor provided under paragraphs (b)(2)(v)(B) through (D) of this section is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. For example, a normal retirement age under a governmental plan that is the earlier of the participant's age at which the participant has been credited with 25 years of service under the plan and the later of age 60 or the age at which the participant has been credited with 5 years of service under the plan would satisfy this safe harbor.

- (F) Age 50 safe harbor for qualified public safety employees. A normal retirement age under a governmental plan that is age 50 or later is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed if the participants to which this normal retirement age applies are qualified public safety employees (within the meaning of section 72(t)(10)(B)).
- (G) Sum of 70 safe harbor for qualified public safety employees. A normal retirement age under a governmental plan that is the participant's age at which the sum of the participant's age plus the number of years of service that have been credited to the participant under the plan equals 70 or more, is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed if the participants to which this normal retirement age applies are qualified public safety employees (within the meaning of section 72(t)(10)(B)).
- (H) Service-based safe harbor for qualified public safety employees. A normal retirement age under a governmental plan that is the age at which the participant has been credited with at least 20 years of service under the plan is deemed to be not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed if the participants to which this normal retirement age applies are qualified public safety employees (within the meaning of section 72(t)(10)(B)). For example, a normal retirement age that covers only qualified public safety employees and that is an employee's age when the employee has been credited with 25 years of service under a governmental plan would satisfy this safe harbor.
- (I) Reserved.
- (J) Other normal retirement ages. In the case of a normal retirement age under a governmental plan that fails to satisfy any safe harbor described in paragraph (b)(2)(ii) of

this section or this paragraph (b)(2)(v), whether the age is not earlier than the earliest age that is reasonably representative of the typical retirement age for the industry in which the covered workforce is employed is based on all of the relevant facts and circumstances.

- (vi) Special normal retirement age rule for certain plans. See section 411(f), which provides a special rule for determining a permissible normal retirement age under certain defined benefit plans.

* * * * *

- (4) Effective/applicability date. * * * In the case of a governmental plan (as defined in section 414(d)), the rules in paragraph (b)(2)(v) of this section are effective for employees hired during plan years beginning on or after the later of: January 1, 2017; or the close of the first regular legislative session of the legislative body with the authority to amend the plan that begins on or after the date that is 3 months after the final regulations are published in the Federal Register. However, a governmental plan sponsor may elect to apply the rules of paragraph (b)(2)(v) of this section to earlier periods. * * *

D. Why Does this Matter?

1. Large numbers of employers are rehiring retirees without a true break in service.
2. In such cases, where employees are also receiving retirement benefits, an “in service distribution” issue is presented exposing the rehired employees to early distribution penalties under Code Section 72.

III. RECENT FEDERAL DECISIONS OF INTEREST

Federal Appeals Court Takes Narrow View of Constitutional Protection.

A divided federal appeals court, hypothecating how the Supreme Court of Texas would interpret the state constitutional provision on pensions, determined that the 2003 amendment to the State Constitution (Art. XVI, Sec.66) was intended only to protect benefits earned up to the date of a statutory amendment, but did not extend prospectively. While the Court accepted the members' contention that vested rights included the formula by which benefits were calculated, it declined to extend that holding to future accruals after the statutory amendment.

Despite an earlier opinion by the Texas Attorney General supporting the employees, the federal court determined that , if it had been asked, the Texas Supreme Court would have ruled as the federal court did. The employees has asked the federal court to refer the question of Texas law to the Texas Supreme Court and the federal court declined by a 2-1 vote. The dissenting judge pointed to cases from New York, California and Alaska all of which we relied upon by the Texas Attorney General in his opinion and would have favored the interpretation of the members.

The case is pending review in the U.S. Supreme Court.

Van Houten v. City of Ft. Worth, 827 F. 3d 530 (5th Cir. 2016).

Federal Appeals Court Finds COLA Not Constitutionally Protected.

The U.S. Court of Appeals for the 6th Circuit upheld an emergency statute in Kentucky to freeze and reduce the COLA until a certain funding level was reached. A group of retirees challenged the act claiming it impaired their contractual rights to the COLA in effect at the time of retirement. The Court, in rejecting the retirees' claims found that the COLA statute did not "unmistakably" constitute a contract. Looking to cases in other states, the federal court found that the COLA was an "unmistakably" part of the base benefit and therefore subject to prospective reduction.

Puckett v. Lexington-Fayette Urban County Gov't., 2016 WL 4269802(8/15/2016).

Federal Appeals Court Finds Federal Forfeiture Law Preempts State Constitution.

A former New York State Assembly member was convicted of bribery, extortion and conspiracy to commit theft of honest services wire fraud. As part of the penalty, the defendant's benefits in the state retirement system were forfeited as part of his restitution. The defendant argued that the contractual right to retirement in the New York State Constitution prohibited the forfeiture. The U.S. Court of Appeals for the Second Circuit held that the Supremacy Clause of the U.S. Constitution took precedence over a state constitutional provisions and upheld the forfeiture.

U.S. v. Stevenson, 2016 WL 4375010 (8/17/2016).

IF YOU HAVE ANY QUESTIONS OR COMMENTS CONCERNING THIS PRESENTATION, CONTACT KLAUSNER, KAUFMAN, JENSEN & LEVINSON, 7080 NW 4th STREET, PLANTATION, FLORIDA 33317, (954) 916-1202, FAX (954) 916-1232, WEBSITE, www.robertdklausner.com.

46th Annual Police Officers' & Firefighters' Pension Conference

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Ken is a partner with the Law Firm of Sugarman & Susskind P.A., in Coral Gables, Florida, practicing in the area of employment and labor law. He is a University of Miami School of Law graduate and also holds a Masters of Science Degree in Management from Biscayne College (St. Thomas University) and a Bachelor of Business Degree accounting major from the University of Miami.

Ken entered law school after completing a 26-year law enforcement career, retiring from the City of Miami (Florida) Police Department as Assistant Chief. For 16 years during his career in law enforcement he served as a trustee for Miami's Police and Fire Pension Funds.

Ken, a Certified Public Pension Trustee is a founding member of the Florida Pension Trustees Association (FPPTA), currently serving as Director Emeritus. .

Ken is also retired from the United States Coast Guard Reserve (USCGR) as a Captain (Colonel) after a 34 year military career. Among his many assignments with the USCGR he served as senior attorney in the Seventh District Legal Office; Project Officer for the U.S. Army's Southern Command's move from Panama to Miami; Deputy Chairperson of Coast Guard Olympic Security Coordinating Committee; and Senior Coast Guard Officer for Desert Storm Victory Celebrations in Washington D. C. and New York. He is currently the co-chairman of Coast Guard Seventh District Regional Retiree Council.

Ken is a frequent speaker at pension and labor conferences, presenting at the American Bar Association (ABA) seminars and conferences, the AFL-CIO Labor Lawyers Conference, the State of Florida Department of Retirement seminars and the FPPTA schools and conferences.

Ken and his spouse of 53 years, the former Carol Ann Greth of Reading Pa. raised three sons and enjoy two granddaughters and two grandsons.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

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& POLICE OFFICERS'
FIREFIGHTERS'**
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General Law Provisions Chapter 112, Florida Statutes

Presentation for the
Division of Retirement's
46th **Annual Police Officers'
& Firefighters' Pension** Conference
November 2 & 4, 2016

By: KENNETH R. HARRISON, SR.

CHAPTER 112, Florida Statutes

- I. **OVERVIEW** – This Chapter governs administration and operations of all governmental pension plans in Florida. It is often overlooked by Police and Fire because of Chapters 175 & 185, F. S. Chapter 112 contains specific provisions not found in Chapters 175 & 185, F. S. that must be complied with.
- II. **PART I - CONDITIONS OF EMPLOYMENT; RETIREMENT; TRAVEL**
 - A. Disqualifications for employment and exceptions (§112.011)
Not for arrest, but for conviction of felony or 1st degree misdemeanor does not apply to law enforcement, corrections or fine departments.
 - B. Age Discrimination policy (§112.043)
 - C. Drug Free Workplace (§112.0455)
Defines types of tests – Job applicant; reasonable suspicion; Routine fitness for duty; follow up testing.
 - D. Political party membership (§112.046)
 - E. Retirement; officials (§112.05)
Age 70 and Served in elected position for 20 consecutive years (or 30 years total)
Entitles to pension with COA same as FRS
 - F. Retirement or pension rights unaffected by merger or consolidation on retirement (§112.0515)
 - G. Travel expenses (§112.061)
 - 1. Travel time
 - a. Class A – 24+ hours away from official headquarters
 - b. Class B – Less than 24 hours away from official headquarters
 - c. Class C – Not overnight away from official headquarters
 - 2. Official headquarters – Generally office location
 - 3. Per Diem and Subsistence allowance – per diem \$80 or actual expenses subject to meal \$36 day (\$6 breakfast, \$11 lunch and \$19 dinner) mileage 44.5 cents per mile. Municipalities, District and boards thereof may adopt their own allowances.
 - 4. Transportation – By usually traveled route (door to door) and most efficient and economical method. If in group only one reimbursed

5. Other expenses
Tolls, parking etc.
6. Advances – authorized by agency head
7. Direct payment by agency – allowable under certain conditions
- H. Group insurance; participants and retirees (§112.080)
Allowable
- I. Disability presumptions (§§112.18 and 112.181)
 1. Firefighters, law enforcement officers and corrections officers (§112.18) –
Presumed line of duty – Heart Bill
 2. Communicable diseases (§112.181)
 - a. Definitions – Body fluids, Emergency rescue & public safety worker
 - b. Eligibility conditions – presumed job related unless contrary shown by competent evidence
 - c. Immunizations – required or give up presumption
 - d. Insurance coverage – may provide coverage
 - e. Record of exposure – required
 - f. Tests and physicals – may be required after 6/15/95
 - g. Disability retirement – Doesn't change basic requirements under plan
- J. Death benefits (§§112.19 and 112.191)
 1. Available :Law Enforcement, correctional and correctional Probation Officers (§112.19) and Firefighters (§112.191)
 2. Requirement for benefits – full time
 3. Amount of benefits – 50K (150K if intentional act)
 4. Health Insurance – dependent coverage continues
 5. Education benefits – Children attend state schools

III. PART II – INTERCHANGE OF PERSONNEL BETWEEN GOVERNMENTS

- A. General – authorizes employee interchange agreements between local governments.

IV. PART III - CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

A. Voting conflicts (§112.3143) – direct conflict, must be disclosed prior

B. Forfeiture of retirement benefits (§112.3173)¹

¹ 112.3173 **Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.--**

(1) INTENT.--It is the intent of the Legislature to implement the provisions of s. 8(d), Art. II of the State Constitution.

(2) DEFINITIONS.--As used in this section, unless the context otherwise requires, the term:

(a) "Conviction" and "convicted" mean an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or of nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

(b) "Court" means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.

(c) "Public officer or employee" means an officer or employee of any public body, political subdivision, or public instrumentality within the state.

(d) "Public retirement system" means any retirement system or plan to which the provisions of part VII of this chapter apply.

(e) "Specified offense" means:

1. The committing, aiding, or abetting of an embezzlement of public funds;

2. The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;

3. Bribery in connection with the employment of a public officer or employee;

4. Any felony specified in chapter 838, except ss. [838.15](#) and [838.16](#);

5. The committing of an impeachable offense;

6. The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position; or

7. The committing on or after October 1, 2008, of any felony defined in s. [800.04](#) against a victim younger than 16 years of age, or any felony defined in chapter 794 against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

(3) FORFEITURE.--Any public officer or employee who is convicted of a specified offense committed prior to retirement, or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.

(4) NOTICE.--

(a) The clerk of a court in which a proceeding involving a specified offense is being conducted against a public officer or employee shall furnish notice of the proceeding to the Commission on Ethics. Such notice is sufficient if it is in the form of a copy of the indictment, information, or other document containing the charges. In addition, if a verdict of guilty is returned by a jury or by the court trying the case without a jury, or a plea of guilty or of nolo contendere is entered in the court by the public officer or employee, the clerk shall furnish a copy thereof to the Commission on Ethics.

(b) The Secretary of the Senate shall furnish to the Commission on Ethics notice of any proceeding of impeachment being conducted by the Senate. In addition, if such trial results in conviction, the Secretary of the Senate shall furnish notice of the conviction to the commission.

1. Public Officer
2. Public retirement system
3. Conviction – includes adjudication withheld and probation
4. Specified offense – Theft from employer, embezzlement of public funds, and felony in chapter 838, bribery in connection with employment, Impeachable offence and felony with intent to defraud public.
5. After 10/1/08 commission of pedophile acts.

V. PART IV – SUPPLEMENTAL RETIREMENT ACT FOR RETIRED MEMBERS OF STATE RETIREMENT SYSTEMS

(c) The employer of any member whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense shall forward notice thereof to the commission.

(d) The Commission on Ethics shall forward any notice and any other document received by it pursuant to this subsection to the governing body of the public retirement system of which the public officer or employee is a member or from which the public officer or employee may be entitled to receive a benefit. When called on by the Commission on Ethics, the Department of Management Services shall assist the commission in identifying the appropriate public retirement system.

(5) FORFEITURE DETERMINATION.--

(a) Whenever the official or board responsible for paying benefits under a public retirement system receives notice pursuant to subsection (4), or otherwise has reason to believe that the rights and privileges of any person under such system are required to be forfeited under this section, such official or board shall give notice and hold a hearing in accordance with chapter 120 for the purpose of determining whether such rights and privileges are required to be forfeited. If the official or board determines that such rights and privileges are required to be forfeited, the official or board shall order such rights and privileges forfeited.

(b) Any order of forfeiture of retirement system rights and privileges is appealable to the district court of appeal.

(c) The payment of retirement benefits ordered forfeited, except payments drawn from nonemployer contributions to the retiree's account, shall be stayed pending an appeal as to a felony conviction. If such conviction is reversed, no retirement benefits shall be forfeited. If such conviction is affirmed, retirement benefits shall be forfeited as ordered in this section.

(d) If any person's rights and privileges under a public retirement system are forfeited pursuant to this section and that person has received benefits from the system in excess of his or her accumulated contributions, such person shall pay back to the system the amount of the benefits received in excess of his or her accumulated contributions. If he or she fails to pay back such amount, the official or board responsible for paying benefits pursuant to the retirement system or pension plan may bring an action in circuit court to recover such amount, plus court costs.

(6) FORFEITURE NONEXCLUSIVE.--

(a) The forfeiture of retirement rights and privileges pursuant to this section is supplemental to any other forfeiture requirements provided by law.

(b) This section does not preclude or otherwise limit the Commission on Ethics in conducting under authority of other law an independent investigation of a complaint which it may receive against a public officer or employee involving a specified offense.

- A. For retirees from State and County Retirement System, attained age 65 and retired prior to 1/1/66.
- B. Some local plans have adopted a Health Insurance Subsidy similar to the provisions found in FRS. Chapter 175 and 185 allow for a retirement subsidy

VI. PART V – SUSPENSION, REMOVAL, OR RETIREMENT OF PUBLIC OFFICERS

- A. Suspension and removal of Municipal board members (§112.501)

VII. PART VI – LAW ENFORCEMENT AND CORRECTIONAL OFFICERS

- A. Bill of rights (§§112.531 – 112.535)

VIII. PART VII – ACTUARIAL SOUNDNESS OF RETIREMENT SYSTEMS

- A. Application
 - 1. Referred to as “Florida Protection of Employee Retirement Benefit Act”
 - 2. Applies to all governmental pension plans in Florida
 - 3. Purpose of Act is to implement the provisions of Article X, Section 14 of the Florida Constitution so that retirement plans are managed, administered, operated, and funded in such a manner as to maximize the protection of public employee retirement benefits.

4. Article X, Section 14 of the Florida Constitution states:
“State retirement systems benefit changes. – a governmental unit responsible for any retirement system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

B. Definitions

- 1. General in nature

C. Actuarial reports & statements

- 1. Actuarial reports
 - a. State contributions needed to achieve/preserve level of funding to meet benefits, into the future
 - b. State valuation of assets and prospective assets

- c. State extent of unfunded accrued liabilities and plan to amortize unfunded liabilities
 - d. State actuarial assumptions
 - e. Show assumptions verses actual history
- 2. State Constitution insures no “inter-generational inequity”, which means that benefit should be funded by current taxpayers, not be succeeding generations of taxpayers.
- 3. Actuarial report required at least once every three years with copy to Department of Management Services. The Department is required to review and comment on each plan’s actuarial valuation on at least a triennial basis
- 4. Summary Plan Description
 - a. Each plan must issue, at least once every two years (on employment)
 - b. Is a plain language explanation of the plan including
 - i. Sponsor name and address
 - ii. Administrator name and address
 - iii. Trustees (Titles, name and address)
 - iv. Description of applicable collective bargaining agreement provisions
 - v. Claims procedure including appeals process
- 5. Investment Guidelines
 - a. Required to adopt written investment policy, designed to maximize the financial return to the plan consistent with the risks incumbent in each investment and be structured to establish and maintain an appropriate diversification of the plans assets
 - b. Includes seventeen specific requirements
 - c. Must be forwarded to Sponsor (City/District), Actuary and the Department of Management Services
 - d. Become effective 31 days after being forwarded to Department

D. Administration & amortization

- 1. Employee contributions must be deposited at least monthly

2. Employer contributions must be deposited at least quarterly
3. Unfunded liability must be amortized within 40 years, in most circumstances (this has been trending to lesser periods)

E. Limitation on benefits

1. No minimum benefit requirement, however requires that a change in benefits cannot be enacted until an actuarial impact statement has been issued and a copy furnished to the Department of Management Services. (Chapters 175 & 185 contain minimum benefit requirements)
2. Normal retirement benefit cannot exceed 100% of employee compensation at the time of retirement (excluding supplemental cost of living increases) (does not apply to employment prior to 1/1/1980)

F. Fiduciary duties

1. Requires fiduciary to discharge duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to employees and their beneficiaries and defraying reasonable expenses of administering the plan.
2. Must have one or more named fiduciaries with authority to control and manage the administration and operation of the plan. However, plan administrator, and any other officer, trustee and custodian, and any counsel, accountant, and actuary of the plan, who is employed on a full-time basis, shall be included as fiduciaries of such plan.
3. Must diversify the investments of the plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.
4. Prudent man/person rule – Fiduciary must discharge duties with care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

G. General provisions

1. Plan may sue or be sued as an entity

2. Civil action may be brought to recover benefits due a retiree under the terms of the plan, to enforce the rights of members or beneficiaries and to clarify the right to future benefits
3. Must be timely adequate written notice when a member's claim or benefit has been turned down
4. Assets and liabilities remain under the ultimate control of the governmental unit responsible for establishing the plan, unless an irrevocable trust has been created
5. Governmental unit responsible for establishing the plan is responsible for keeping the plan actuarially sound
6. **Duties of Division of Retirement**
Generally records keeping and statistical analysis.

IX. PART VIII – FIREFIGHTERS

- A. Bill of rights (§§112.80 – 112.84)

X. SUMMARY

Chapter 112, F. S. remains a critical statute for the administration and operation of all governmental pension plans in the state of Florida and should be reviewed periodically so the its requirements are understood.

46th Annual Police Officers' & Firefighters' Pension Conference

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H. Lee Dehner is a partner in the law firm of Christiansen & Dehner, P. A. in Sarasota. He was admitted to the Florida Bar in 1977 and he has represented municipal and fire district pension plans in Florida since 1979. The firm renders comprehensive legal services for municipal and fire district employee retirement plans and currently represents 163 pension plans in 96 cities and districts throughout the State of Florida. The firm and both attorneys are AV rated by Martindale Hubbell National Lawyer Review as Very High to Preeminent Legal Ability and Ethical Standards.

Lee has been a speaker at pension conferences and trustee schools for many years. He is a member of the National Association of Public Pension Attorneys, the Florida Public Pension Trustees Association, the International Foundation of Employee Benefit Plans, an elected member of Who's Who in Practicing Attorneys and Heritage Who's Who and a member of the American Bar Association, the Florida Bar Association and the Sarasota County Bar Association.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

**46th Annual Police Officers' and Firefighters' Pension Conference
Orlando-Celebration
November 2-4, 2016**

DISABILITY RETIREMENT

**H. Lee Dehner
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63 Sarasota Center Boulevard - Suite 107
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I. DISABILITY RETIREMENT

A. Employment Status

B. Quasi-judicial Proceeding

1. Three Legal Requirements
 - a. Procedural Due Process
 - b. Compliance with the essential requirements of law
 - c. Decision supported by substantial and competent evidence
2. Certiorari Review
 - Exhaust Administrative Remedies
3. Claims Procedures

C. Total and Permanent

1. Inability to render useful and efficient service as a firefighter, police officer
2. Standards for reassignment
3. Promotability

D. In-Line of Duty or Not-in-Line of Duty Incurred

1. Distinctions
2. Length of service required for benefit
3. Amount of benefit
4. Determination of cause
5. Presumptions of In-Line
 - Rebuttable not conclusive

E. Date of Disability

Upon adjudication of entitlement unless plan provides otherwise

F. Recall and Reexamination

1. Benefit may not be for life
2. Recovery
3. Job availability
4. Employment with another department as a Police Officer or Firefighter

G. Amount of Benefit

1. In-Line
2. Not-in-Line
3. Formula
 - a. Percentage of average final compensation
 - b. Accrual rate X years of credited service X average final compensation.
4. Minimum benefit

H. Set-off for Workers' Compensation or Social Security Benefits Received

1. No set-off unless provided for in Plan
2. Set-off cannot reduce combination of 2 benefits below 100% of compensation
3. Formula to allocate lump-sum settlement
4. Cannot reduce plan disability benefit below the statutory minimum
5. Workers' Compensation benefits - indemnity, medical
6. Amounts not eligible for set-off (e.g. attorney fees, medical payments)
7. Voluntary termination may affect the Board's consideration of disability benefit eligibility

I. Procedures for Adjudication of Entitlement by Board

1. Issues
2. Burdens of proof

J. Last Payment

1. Must be specified
2. Usually until death or recovery
3. A minimum number of payments may be guaranteed

K. Pre-existing Condition Waivers

1. Exclusion
2. Causation

L. Exclusions from Entitlement

1. Section 175.191 - Disability retirement, Chapter 175, Florida Statutes
 - a. Excessive and habitual use by the firefighter of drugs, intoxicants, or narcotics;
 - b. Injury or disease sustained by the firefighter while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;
 - c. Injury or disease sustained by the firefighter while serving in any armed forces; or
 - d. Injury or disease sustained by the firefighter after his or her employment has terminated.
2. Section 185.18 - Disability retirement, Chapter 185, Florida Statutes
 - a. Excessive and habitual use by the police officer of drugs, intoxicants, or narcotics;
 - b. Injury or disease sustained by the police officer while willfully and illegally participating in fights, riots, civil insurrections or while committing a crime;
 - c. Injury or disease sustained by the police officer while serving in any armed forces;
 - d. Injury or disease sustained by the police officer after employment has terminated;
 - e. Injury or disease sustained by the police officer while working for anyone other than the city and arising out of such employment.

M. Taxability of Disability Benefits

1. Must be in-line of duty incurred for any potential non-taxability
2. Other factors must be considered as well based on IRS rules

N. Attorney Fees and Costs

Palm Beach Gardens Police Pension Fund Board of Trustees and George Mamak v. Mitchell J. Beers, P.A., 842 So. 2d 911 (4 DCA 2003). Adjudication by pension board of disability entitlement is a quasi-judicial, not a judicial proceeding and therefore attorney fees and costs cannot be awarded to the prevailing party.

O. Optional Forms of Benefits

1. Life annuity
2. Joint and survivor

P. Chapters 112, 175 and 185 Minimum Requirements

46th Annual Police Officers' & Firefighters' Pension Conference

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Mr. Heinrichs is the President/CEO and a consulting actuary at Foster & Foster Consulting Actuaries, Inc. in Fort Myers. His firm specializes in providing actuarial and administrative support to over 300 public retirement plans nationwide, including 200 in the state of Florida. In addition, Foster & Foster is under contract with the Division of Retirement to provide actuarial support to all Chapters 175 and 185 Plans which are not enhanced through local legislation, as well as by the Illinois Department of Insurance to provide actuarial valuations for all downstate Police & Firefighters retirement programs. They also provide active and retiree health and welfare consulting to cities, States and Taft-Hartley plans nationwide.

Brad has over 17 years of pension plan and post-retirement welfare plan consulting experience, where the size of his clients have ranged from as few as 25 to as many as 200,000 members.

Mr. Heinrichs is a Fellow of the Society of Actuaries, the highest designation an actuary can obtain. He is also a Member of the Academy of Actuaries, and is an Enrolled Actuary per ERISA. He is a graduate of the University of Iowa with a BS in Actuarial Science and Economics.

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NOTES

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46th Annual Police Officers' & Firefighters' Pension Conference

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Daniel provides all aspects of the firm's consulting services. He serves as the primary consultant for various institutional plans including defined benefit, defined contribution, and private foundation investment portfolios. His duties include serving as the primary point of contact for various Plan Sponsors and Boards of Trustees, and assisting them with their investment decisions and fiduciary responsibilities. Through his involvement with these plans, Daniel coordinates all components of the Bogdahn Groups' consulting services including providing investment recommendations, asset allocation and investment manager evaluations, developing investment policy guidelines, and delivering investment policy compliance and performance reviews. Daniel is also responsible for leading the firm's monthly consultants call, which is used to discuss market and industry events with our firm's entire consulting team.

Daniel has over 10 years of institutional investment experience. Prior to joining The Bogdahn Group, he worked at a national consulting firm where his responsibilities included preparing asset allocation models, conducting manager searches, producing performance reports, and developing investment policies for institutional clients. Daniel is a speaker at various conferences including the Florida Public Pension Trustees Association (FPPTA) and the Florida Department of Management Services Bureau of Local Retirement Systems Conference.

Dan received a BSBA in Marketing from the University of Florida and an MBA from the University of North Florida.

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Building a Prudent Investment Program

Daniel Johnson



Building a Prudent Investment Program

Pension Plan Investment Portfolio Basics

*

Asset Allocation

*

Setting an Expected Rate of Return

*

Understanding the Investment Program

*

Current Considerations

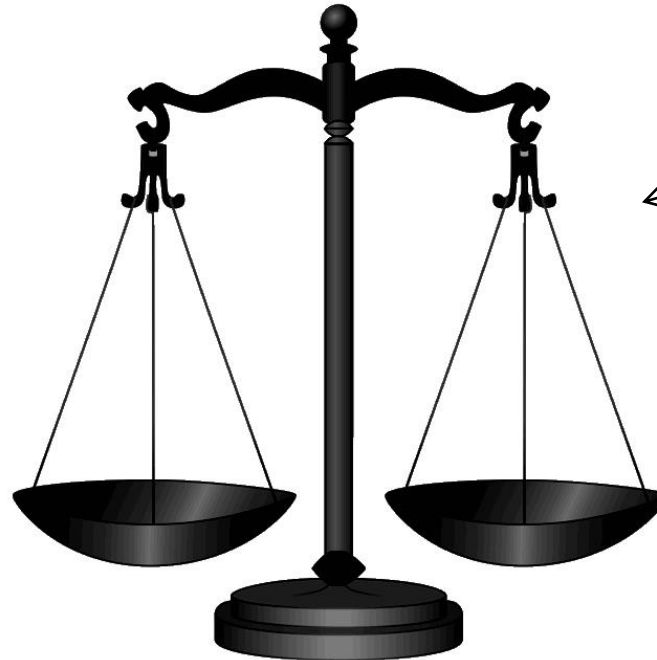
Pension Plan Investment Portfolio Basics

Pension Plan Investment Portfolio Basics

Pension Plan Investment Portfolio Basics

Funding Basics:

$$\text{Benefits} + \text{Expenses} = \text{Contributions} + \text{Investment Earnings}$$



Investment
returns and
assumptions
directly impact
contributions.

Plan Funding Level:

Actuary assesses plan's demographics and asset allocation structure to determine current and projected funding levels.

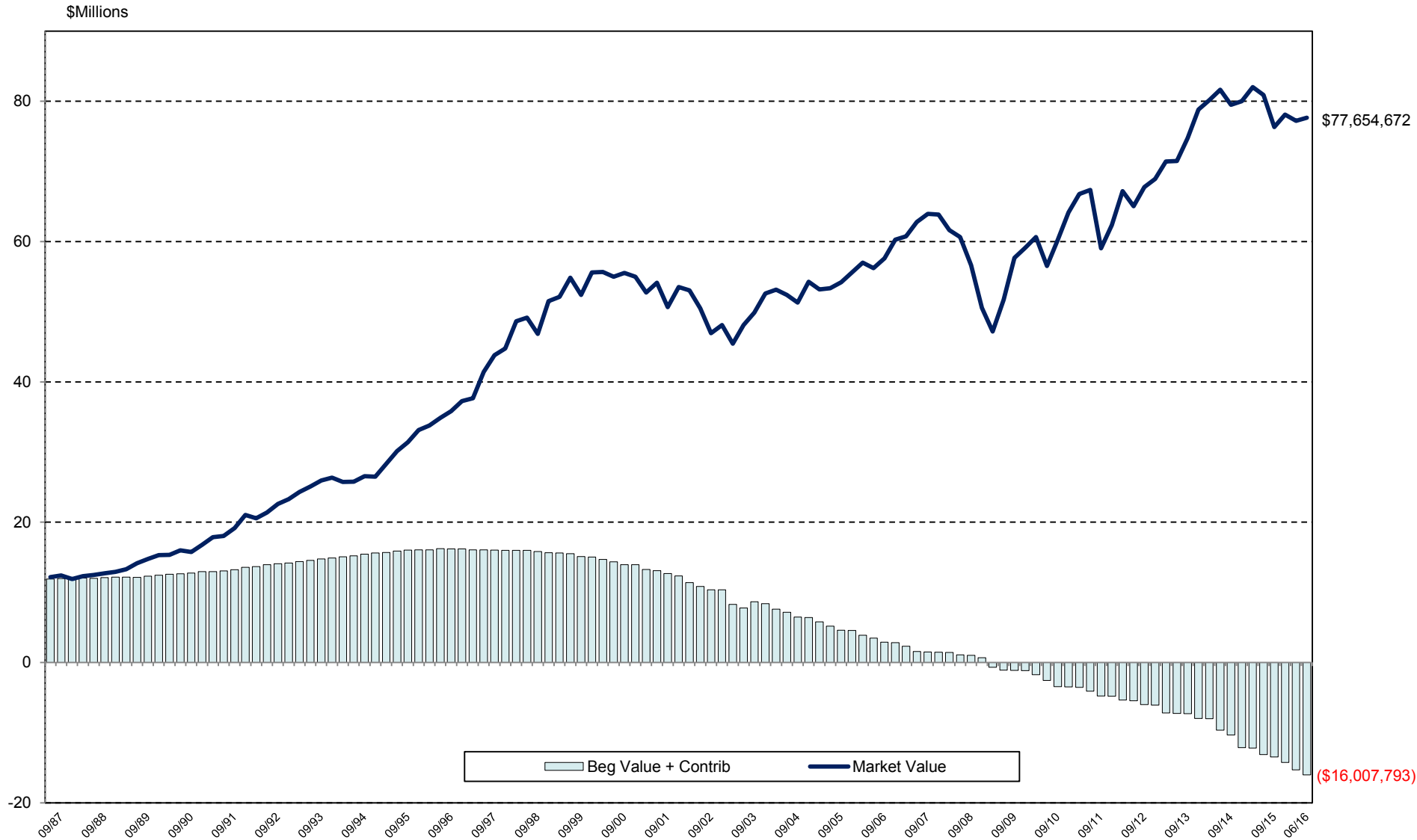
Factors considered:

- Salaries
- Benefits
- Expenses
- Mortality
- Turnover
- Investments - Significant factor that will impact the funding level of a defined benefit pension plan is the **assumed and actual rate of return** earned on plan assets.

Role of the Board of Trustees:

- The day-to-day operational control of the individual trust funds is vested in the respective Boards of Trustees created at the local level, subject to regulatory oversight by the Division of Retirement.
- The Board of Trustees are subject to the fiduciary standards in ss. [112.656](#), [112.661](#), and [518.11](#) and the Code of Ethics in ss. [112.311-112.3187](#).
- On an absolute basis, through the investment of Plan assets, the objective is that the return of the total portfolio will equal or exceed the **actuarial earnings assumption**, while controlling for various amounts and types of risks.

Pension Plan Investment Portfolio Basics



Asset Allocation

Asset Allocation

Which is more important?

- Asset Allocation?
 - Mix of asset classes
- Investment Manager Structure?
 - Picking investment managers

ASSET ALLOCATION is the key determinant of the portfolio's short and long-term RISK and RETURN



Investment of Plan Assets:

Traditional Investments

- Cash and Equivalents – Checking, Savings, and Money Market accounts, Money Market Funds, Certificates of Deposits (CDs)
- Stocks – Represent a percentage of equity ownership in a corporation.
- Bonds – Ownership of a debt instrument typically issued by an organization or government.

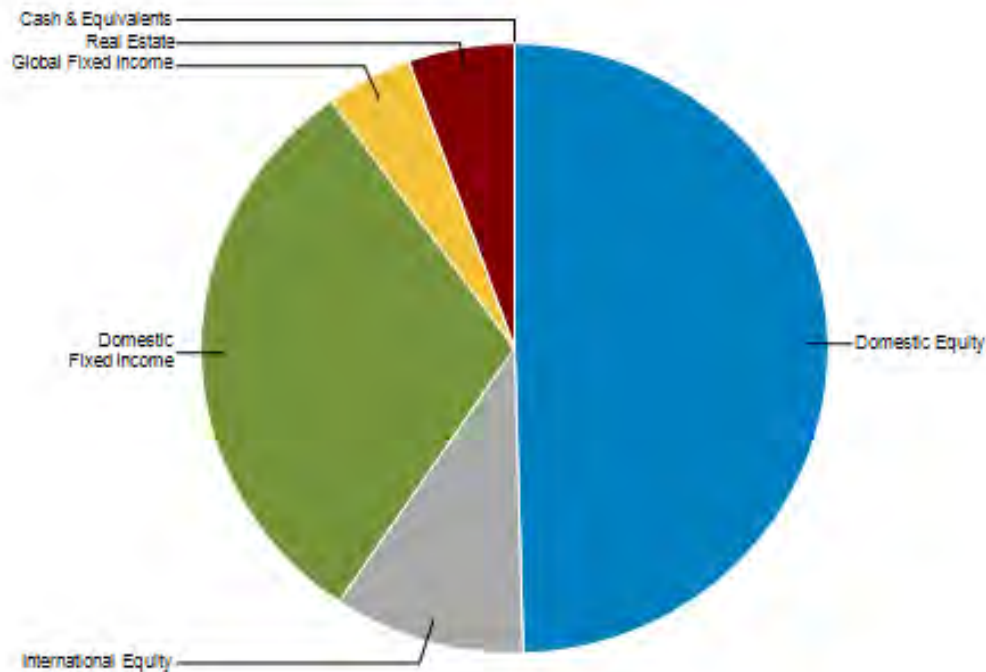
Investment of Plan Assets:

Non - Traditional Investments

- **Real Estate** – Direct or indirect investment in real property including commercial, residential, or land. An indirect investment can be made through an entity that invests in property, such as a real estate investment trust (REIT).
- **Hedge Funds** – a private pool of assets which may invest in a diverse array of investments, from basic stocks and bonds to complex derivatives.
- **Infrastructure** – Investment into operational assets including transportation, communication, sewage, water and electric systems.
- **Other** – Private Equity, Private Debt, Diversified Fixed Income Strategies, Commodities, etc.

Asset Allocation:

Investment strategy of investing in multiple asset classes with the objective to balance total portfolio risk and returns.



Goals of Efficient Asset Allocations:

- Reduced risk through diversification
- Provide more consistent returns over long-term
- Control of risk tolerance and investment goals

Asset Allocation

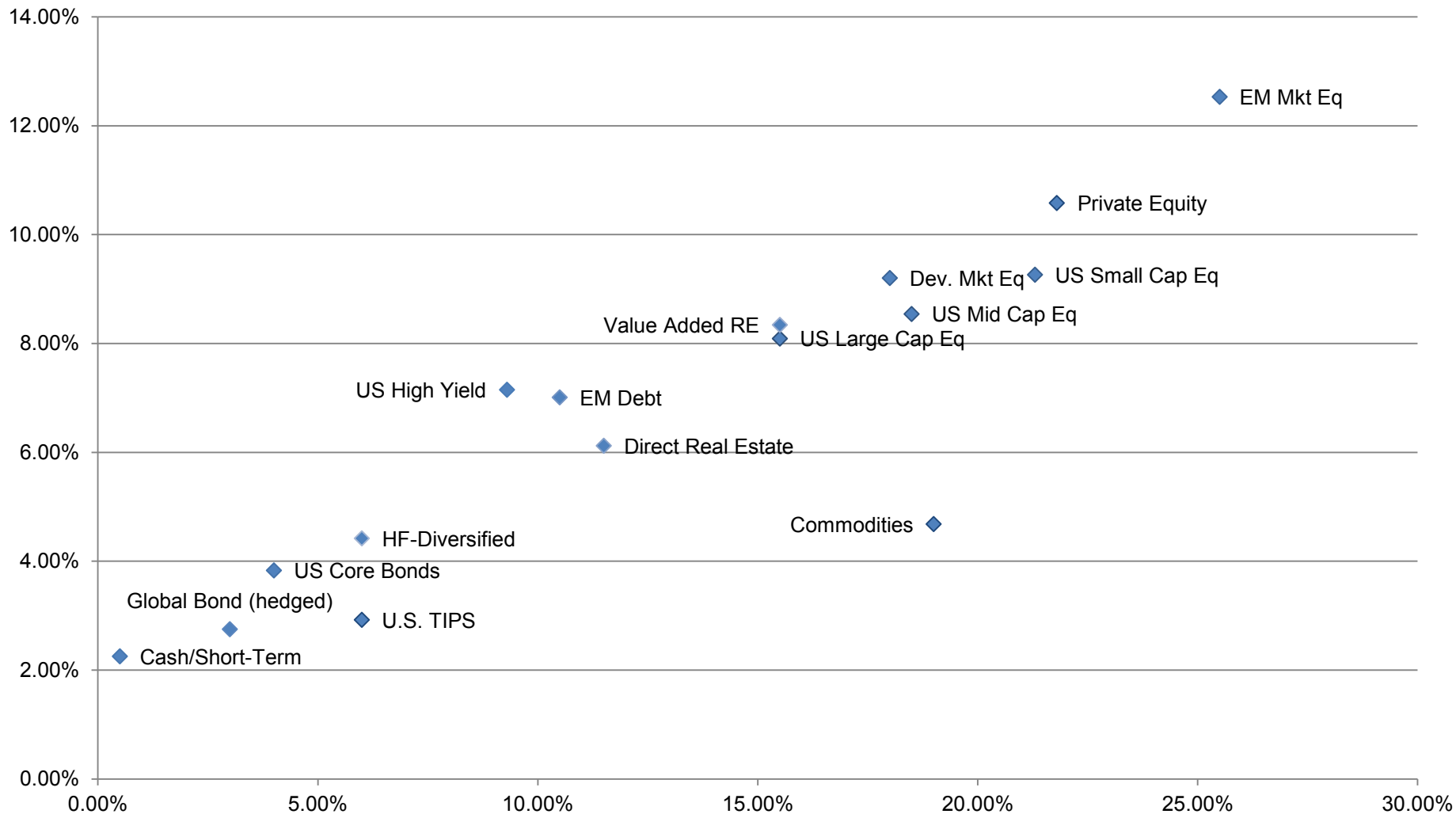
Economic Forecast Models

	Model Forecast Standard Deviation*	Model Forecast Return*
Fixed Income Asset Classes		
Cash/Short-Term	0.50%	2.25%
US Core Bonds	4.00%	3.83%
US High Yield	9.30%	7.15%
US TIPS	6.00%	2.92%
Global Bond	3.00%	2.75%
EM Debt	10.50%	7.01%
Equity Asset Classes		
US Large Cap Eq	15.50%	8.09%
US Mid Cap Eq	18.50%	8.54%
US Small Cap Eq	21.30%	9.26%
Dev. Mkt Eq	18.00%	9.20%
EM Mkt Eq	25.50%	12.53%
Alternatives Asset Classes		
Direct Real Estate	11.50%	6.12%
Value Added RE	15.50%	8.34%
Commodities	19.00%	4.68%
Private Equity	21.80%	10.58%
HF-Diversified	6.00%	4.42%

*Model Forecast Returns are based upon input variables (including expected return, volatility, and correlations) as provided by JP Morgan Asset Management "Long-Term Capital Market Return Assumptions, (September 2015).

Asset Allocation

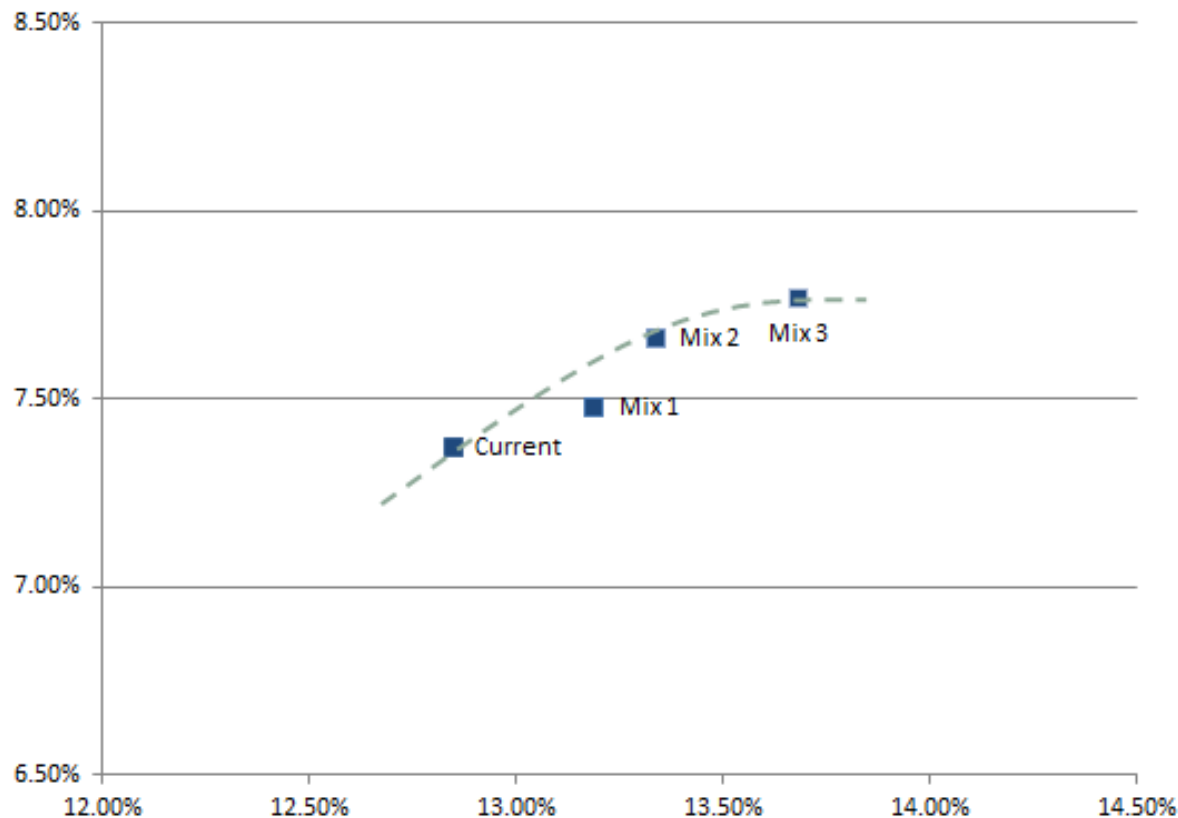
Economic Forecast Models



*Model Forecast Returns are based upon input variables (including expected return, volatility, and correlations) as provided by JP Morgan Asset Management "Long-Term Capital Market Return Assumptions, (September 2015).

Asset Allocation

Efficient Frontier – A graphed line containing the optimized portfolios available when combining separate asset classes that move independently of one another.



Historical Perspective

Over the past 30 + years what has been the optimal asset allocation mix?

Options to consider:

- Domestic equity
- Domestic fixed income
- Domestic equity and fixed income
- Domestic + international equity and fixed income
- Domestic + international equity, fixed income and real estate
- Domestic + international equity, fixed income, real estate and hedge funds

Asset Allocation

Historical Perspective

Asset Allocation Mixes

	Mix 1	Mix 2	Mix 3	Mix 4	Mix 5	Mix 6
U.S. Equities (S&P 500)	100.0%		60.0%	50.0%	45.0%	45.0%
U.S. Fixed Income (Barclays Aggregate)		100.0%	40.0%	40.0%	35.0%	25.0%
International Equity (MSCI ACW ex US)				10.0%	10.0%	10.0%
Real Estate Equity (NCREIF ODCE)					10.0%	10.0%
Hedge Fund of Funds (HFRI)						10.0%
	Since 1/1/78	Since 1/1/78	Since 1/1/78	Since 1/1/78	Mix 4 with Real Estate allocation made on January 1, 2000	Mix 5 with Hedge Fund allocation made on January 1, 2006.

Asset Allocation

Historical Perspective

Annualized Returns												
January 1978 - June 2016												
	1 year	2 years	3 years	4 years	5 years	10 years	15 years	20 years	25 years	30 years	35 years	Since Inception
Domestic equity	3.99%	5.69%	11.66%	13.83%	12.10%	7.42%	5.75%	7.87%	9.40%	9.82%	11.13%	11.31%
Domestic fixed income	6.00%	3.91%	4.06%	2.85%	3.76%	5.13%	5.08%	5.67%	6.19%	6.62%	8.25%	7.71%
Domestic equity and fixed income	4.79%	5.00%	8.86%	9.63%	8.97%	7.05%	6.02%	7.50%	8.54%	8.91%	10.32%	10.20%
Domestic + international equity and fixed income	3.32%	3.63%	7.69%	8.51%	7.63%	6.59%	6.06%	7.28%	8.27%	8.70%	10.21%	10.13%
Domestic + international equity, fixed income and real estate	4.07%	4.48%	8.20%	8.96%	8.11%	6.62%	6.33%	7.42%	8.31%	8.71%	10.21%	10.08%
Domestic + international equity, fixed income, real estate and hedge funds	2.90%	4.03%	8.07%	9.12%	8.02%	6.19%	6.07%	7.09%	8.04%	8.49%	10.02%	9.91%

Asset Allocation

Historical Perspective – Risk Statistics

	Return (%)	Standard Deviation (%)	Sharpe Ratio	Beta vs. Market	Maximum Drawdown	# of Up Quarters	# of Down Quarters	Average Up Return (%)	Average Down Return (%)	Best Quarter (%)	Worst Quarter (%)	Best 1-Year (%)
Domestic equity	11.52	15.79	0.4215	1	-45.80%	111	43	6.8	-6.55	21.35	-22.53	61.18
Domestic fixed income	7.64	6.42	0.4318	0.0533	-12.63%	119	35	2.93	-1.56	18.79	-8.71	35.22
Domestic equity and fixed income	10.31	10.13	0.5371	0.6205	-26.00%	114	40	4.86	-3.81	15.55	-13.38	48.17
Domestic + international equity and fixed income	10.22	10.09	0.5301	0.6121	-26.61%	115	39	4.75	-3.81	16.34	-12.03	45.29
Domestic + international equity, fixed income and real estate	10.16	9.54	0.5545	0.5718	-26.50%	118	36	4.49	-3.76	16.6	-10.96	43.76
Domestic + international equity, fixed income, real estate and hedge funds	9.98	9.74	0.5249	0.586	-28.92%	118	36	4.51	-3.98	16.6	-11.96	43.76

Asset Allocation

- Pension Plans have needed and will continue to need **equity market returns** to achieve their actuarial interest rate assumption.
- **Fixed income returns** have been fantastic since 1981, but will be challenged in years to come.
- Many points of diversification over the past 16 years **have not added value** over a 60% equity/40% fixed income portfolio
- **Diversification success** driven by:
 - Timing of new allocations.
 - Performance of managers selected—range of returns in alternative asset classes is wide.
 - Degree of diversification—be careful not to diversify too much.
- Must consider risks beyond returns and standard deviation.

Setting an Expected Rate of Return

Setting an Expected Rate of Return



Setting an Expected Rate of Return

Setting an annual expected rate of return is a Department of Management Services Local Retirement Plan Annual Report Requirement.

Investments 1) C.: Has the board determined the ***total expected annual rate of return*** for the current year, for each of the next several years, and for the long term hereafter pursuant to s. 112.661(9), Florida Statutes, and submitted to the Bureau of Local Retirement Systems?

Yes _____ No _____ Date _____

Setting an Expected Rate of Return

It is important to understand the impact of the expected rate of return when factored into the actuarial assumptions.

- The higher the rate, the lower the contributions required to fund liabilities.
- The lower the rate, the higher the contributions required to fund liabilities.



Example: Lowering the assumed rate of return causes an increase to the contribution requirements in the short-term.

Setting an Expected Rate of Return

Plan specific factors to consider include:

- Cash Flows (retirees, DROP participants, closed plan)
- Asset Allocation
- Restrictions (State law, local ordinance)

Setting an Expected Rate of Return

Current Challenges:

RETIREMENT

Public Pensions Are Being Overly Optimistic



Business

http://www.stltoday.com/business/local/reckoning-comes-for-pension-funds-as-investment-returns-lag/article_7a60dccc-8d9c-5e9b-aa74-32e244e4f2ea.html

Reckoning comes for pension funds as investment returns lag

By Elizabeth Campbell Bloomberg Sep 22, 2016

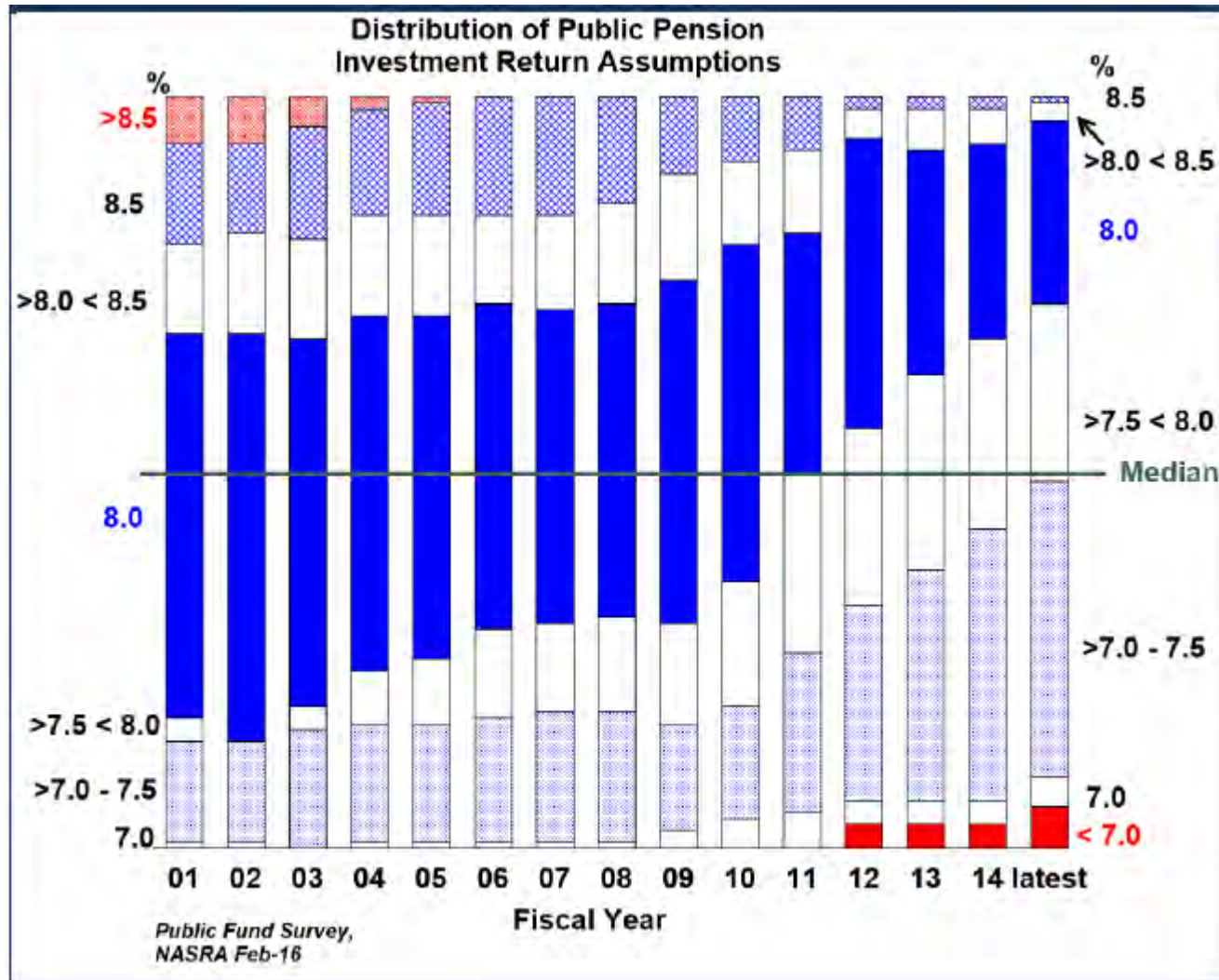
*Calpers Braces for Lower Returns in
'Most Challenging Market'*

Covering Up the Pension Crisis

**Why the Municipal Pension Crisis Will
Worsen**

Setting an Expected Rate of Return

Current Perspective:



Setting an Expected Rate of Return

What should we do?

Conduct a historical analysis or actuarial experience study.

Conduct a forward looking expected return analysis.

Setting an Expected Rate of Return

2015 Asset Allocation Model: 10-15 Year Forecasts & Asset Mix Projections
15 Year Time Horizon - 95% of Projected Return Distribution

Model Forecast	Return	Risk
US Large Cap	7.60%	15.50%
US Mid Cap	8.34%	18.75%
US Small Cap	8.61%	21.50%
EAFE (unhedged)	8.10%	17.25%
Emerging Mkt Eq(UH)	11.77%	26.50%
US Aggregate	4.08%	4.00%
US High Yield	6.40%	9.25%
WGBxUS(UH)	2.58%	5.25%
EmgMktSov(Hedged)	7.50%	16.50%
US Direct RE UL		
US Val Add RE UL		
US Private Equity		
HF - Diversified		

Correlation Matrix	1	2	3	4	5	6	7	8	9	10	11	12	13
US Large Cap	1.00												
US Mid Cap	0.95	1.00											
US Small Cap	0.92	0.94	1.00										
EAFE (unhedged)	0.88	0.87	0.81	1.00									
Emerging Mkt Eq(UH)	0.77	0.79	0.72	0.88	1.00								
US Aggregate	-0.02	-0.04	-0.12	0.07	0.07	1.00							
US High Yield	0.69	0.72	0.65	0.71	0.69	0.19	1.00						
WGBxUS(UH)	0.24	0.18	0.15	0.12	0.24	0.55	0.22	1.00					
EmgMktSov(Hedged)													
US Direct RE UL													
US Val Add RE UL													
US Private Equity													
HF - Diversified													

They are a forecast into the future

They are an estimate

They vary from one firm to the next

They will be wrong

But, they help us make educated decisions

Asset Allocation	
US Large Cap	
US Mid Cap	
US Small Cap	
EAFE (unhedged)	
Emerging Mkt Eq(UH)	
US Aggregate	
US High Yield	
WGBxUS(UH)	
EmgMktSov(Hedged)	
US Direct RE UL	5.00%
US Val Add RE UL	5.00%
US Private Equity	5.00%
HF - Diversified	2.50%
Total	100.00%

	15YR	10YR	5YR	1YR
Policy Target	6.71%	3.18%	13.07%	0.62%

Probability of Achieving X.YX%	7.75%	7.50%	7.25%	7.00%	6.75%	6.50%	6.25%	Negative
Policy Target	36.69%	39.67%	42.71%	45.80%	48.93%	52.07%	55.21%	1.51%

See asset mix notes on page 6

Setting an Expected Rate of Return

Sound Familiar:



Setting an Expected Rate of Return

Additional Perspective

	1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years	15 years	20 years	25 years	30 years	35 years	37 years
Russell 3000 (DEQ)	14.96%	6.96%	10.44%	13.13%	16.36%	13.56%	13.18%	10.53%	6.40%	7.37%	7.61%	8.03%	9.47%	10.14%	11.45%	11.32%
MSCI EAFE (IEQ)	7.06%	-0.90%	0.93%	6.33%	7.88%	4.88%	4.71%	4.59%	0.01%	2.30%	6.28%	4.71%	5.46%	6.11%	9.33%	8.97%
Barclays U.S. Aggregate (FIX)	5.19%	4.06%	4.03%	2.57%	3.08%	3.44%	4.10%	4.89%	4.75%	4.79%	4.80%	5.60%	5.97%	6.56%	8.39%	7.79%
50% DEQ / 10% IEQ / 40% FIX	10.12%	5.04%	7.11%	8.44%	10.26%	8.82%	8.89%	8.30%	5.74%	6.43%	6.86%	7.28%	8.16%	8.75%	10.46%	10.12%

Return >7.5% highlighted

Return >7.5% 25 of 37 years (67.6%)
Simple Average 35-Year: 10.68%

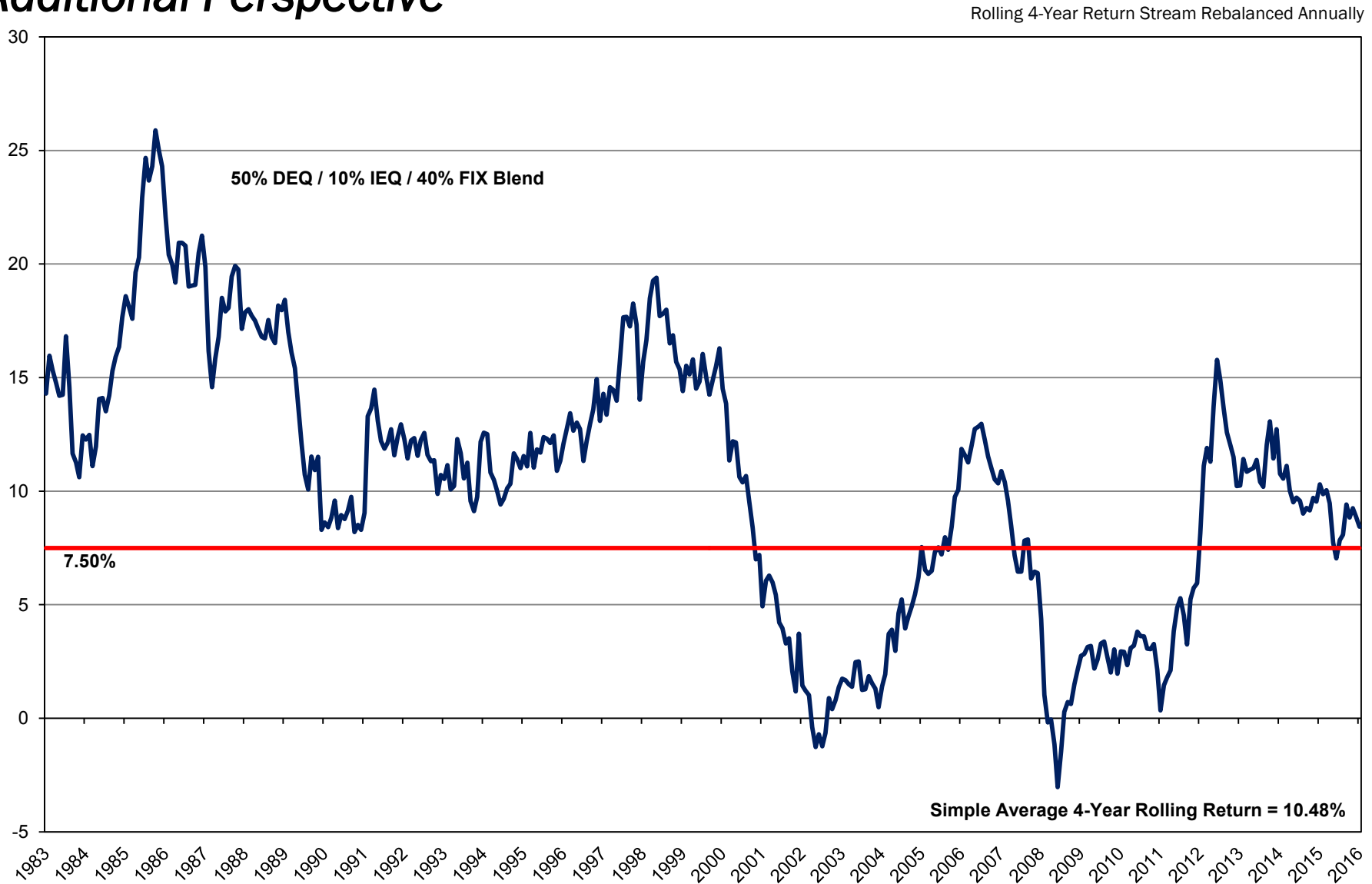
	Sep-16	Sep-15	Sep-14	Sep-13	Sep-12	Sep-11	Sep-10	Sep-09	Sep-08	Sep-07	Sep-06	Sep-05	Sep-04	Sep-03	Sep-02	Sep-01	Sep-00	Sep-99
Russell 3000 (DEQ)	14.96%	-0.49%	17.76%	21.60%	30.20%	0.55%	10.96%	-6.42%	-21.52%	16.52%	10.22%	14.57%	14.26%	25.92%	-18.82%	-27.91%	18.19%	26.32%
MSCI EAFE (IEQ)	7.06%	-8.27%	4.70%	24.29%	14.33%	-8.94%	3.71%	3.80%	-30.13%	25.38%	19.65%	26.32%	22.52%	26.54%	-15.26%	-28.27%	3.43%	31.32%
Barclays U.S. Aggregate (FIX)	5.19%	2.94%	3.96%	-1.68%	5.16%	5.26%	8.16%	10.56%	3.65%	5.14%	3.67%	2.80%	3.68%	5.41%	8.60%	12.96%	6.99%	-0.37%
50% DEQ / 10% IEQ / 40% FIX	10.12%	0.20%	11.37%	12.52%	17.88%	1.88%	9.32%	4.23%	-12.67%	12.86%	8.53%	10.92%	11.26%	16.91%	-7.31%	-12.31%	12.77%	15.55%

	Sep-98	Sep-97	Sep-96	Sep-95	Sep-94	Sep-93	Sep-92	Sep-91	Sep-90	Sep-89	Sep-88	Sep-87	Sep-86	Sep-85	Sep-84	Sep-83	Sep-82	Sep-81	Sep-80
Russell 3000 (DEQ)	4.64%	38.67%	19.02%	29.31%	2.55%	16.54%	11.43%	34.36%	-12.51%	31.31%	-11.28%	37.77%	31.14%	14.61%	1.00%	47.93%	8.99%	-3.57%	23.36%
MSCI EAFE (IEQ)	-8.08%	12.49%	8.94%	6.11%	10.11%	26.75%	-6.78%	22.31%	-27.39%	22.60%	-0.59%	45.22%	90.45%	41.27%	9.46%	36.93%	-5.28%	-9.26%	16.84%
Barclays U.S. Aggregate (FIX)	11.50%	9.74%	4.88%	14.07%	-3.23%	9.98%	12.56%	15.99%	7.55%	11.26%	13.30%	0.26%	20.28%	22.02%	8.78%	15.59%	35.22%	-2.61%	-1.78%
50% DEQ / 10% IEQ / 40% FIX	6.09%	24.37%	12.37%	20.90%	0.98%	15.13%	10.16%	25.41%	-6.15%	22.56%	-1.98%	23.45%	32.61%	20.29%	4.85%	32.85%	18.04%	-3.38%	12.66%

Return target would have to be lowered to 6% to increase the number of annual returns in excess of the 7.5% target return from 25 to 26

Setting an Expected Rate of Return

Additional Perspective

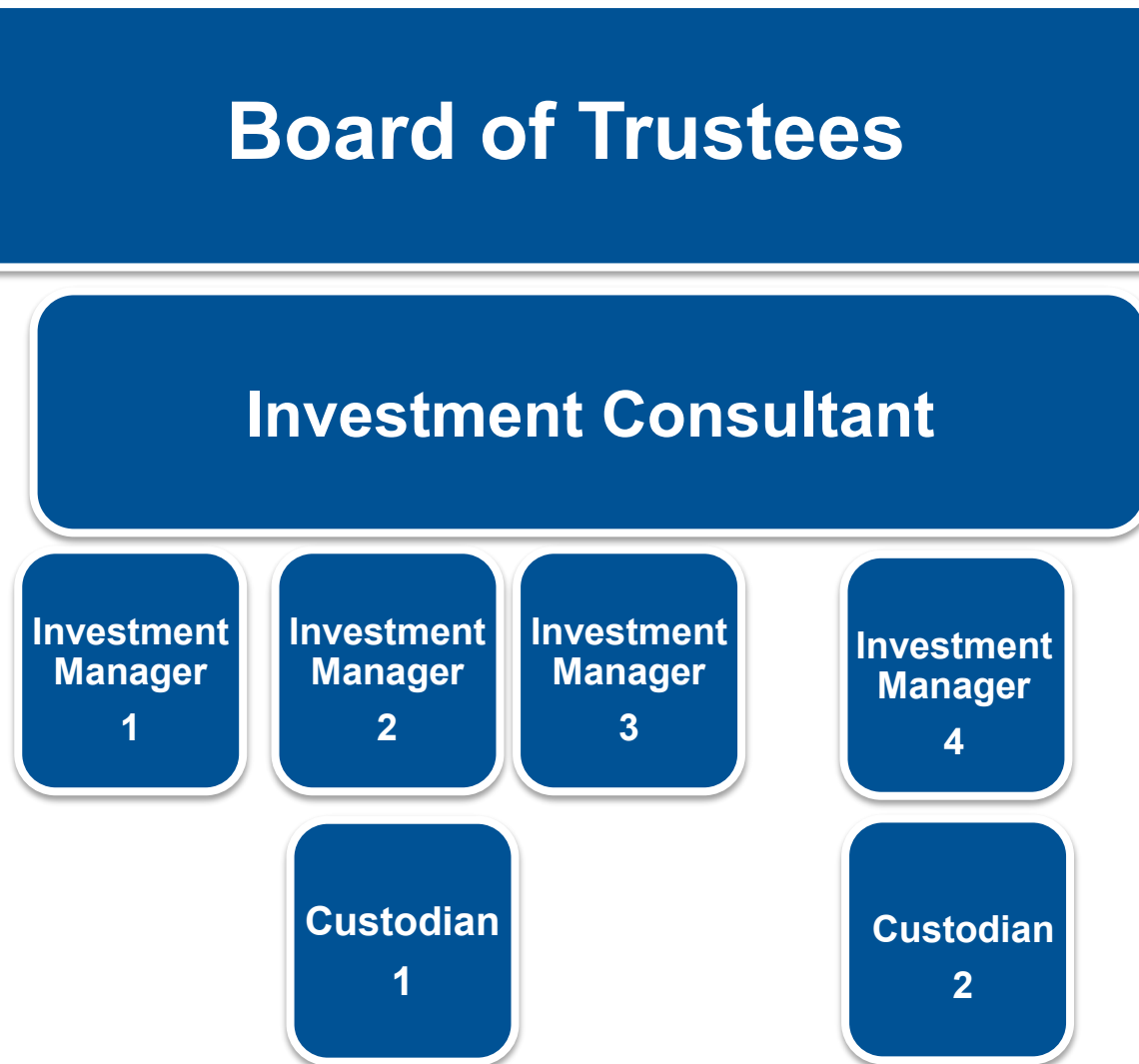


Understanding the Investment Program

Understanding the Investment Program

Understanding the Investment Program

Know Your Service Providers



Understanding the Investment Program

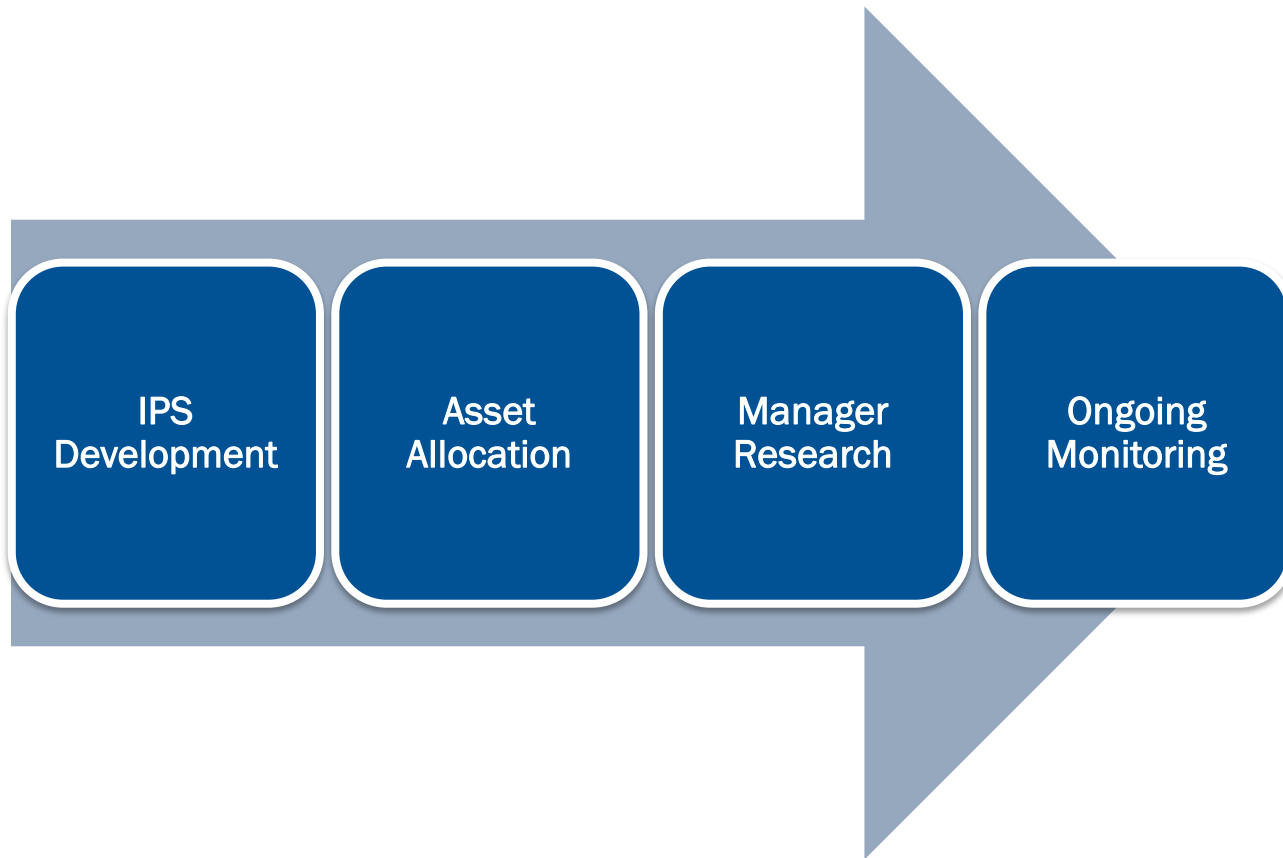
Required by section 175.071 & 185.061, Florida Statutes.

At least once every 3 years, the board of trustees shall retain a professionally qualified independent consultant who shall evaluate the performance of any existing professional money manager and shall make recommendations to the board of trustees regarding the selection of money managers for the next investment term.

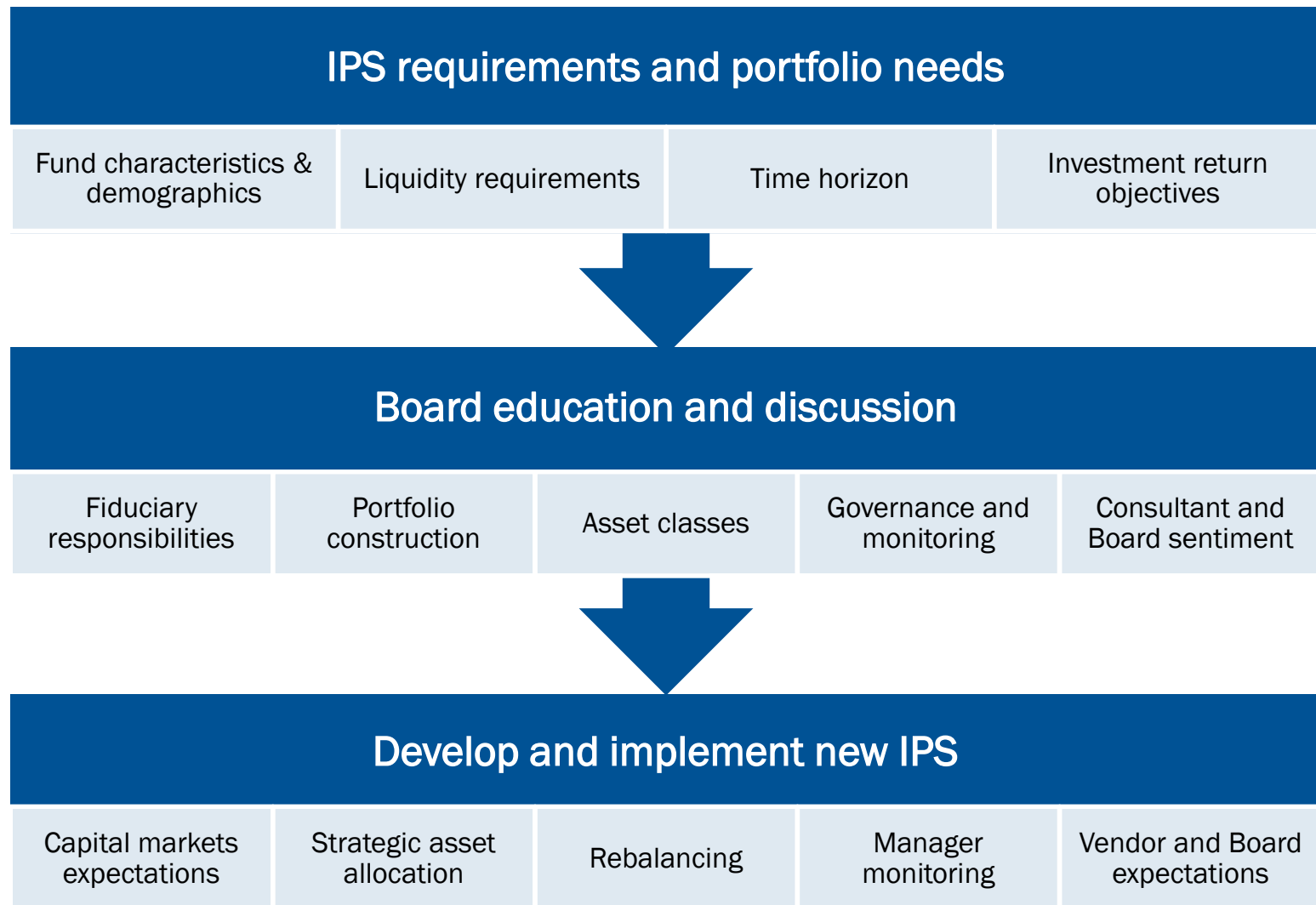
For purposes of this subsection, the term “professionally qualified independent consultant” means a consultant who, based on education and experience, is professionally qualified to evaluate the performance of professional money managers, and who, at a minimum:

1. Provides his or her services on a flat-fee basis.
2. Is not associated in any manner with the money manager for the pension fund.
3. Makes calculations according to the American Banking Institute method of calculating time-weighted rates of return. All calculations must be made net of fees.

Understanding the Investment Program

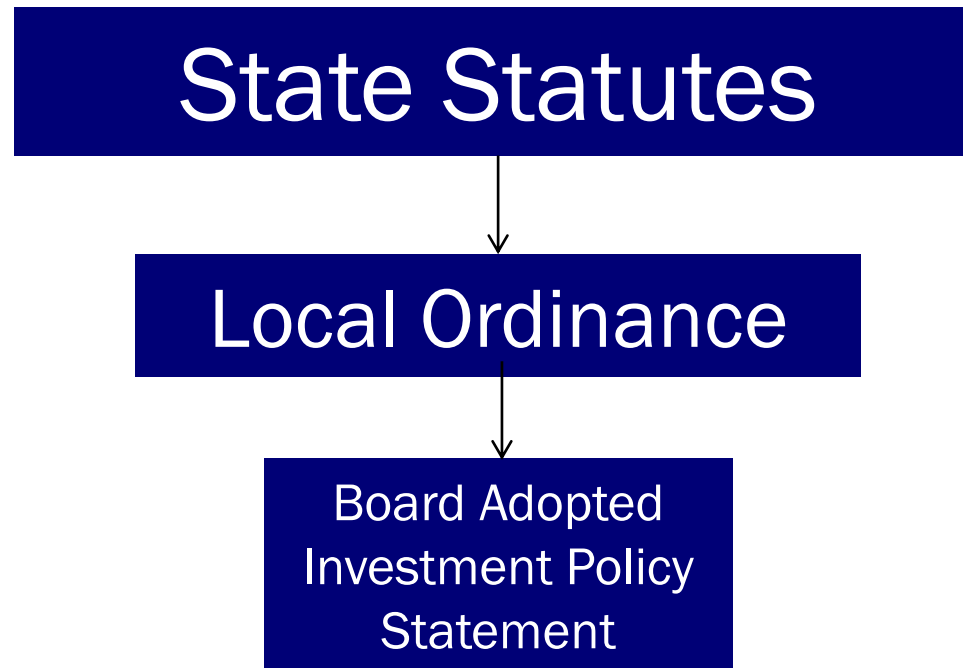


Understanding the Investment Program



Understanding the Investment Program

Identifying Investment Parameters



Understanding the Investment Program

Required by section 112.661, Florida Statutes.

112.661 Investment policies.—Investment of the assets of any local retirement system or plan must be consistent with a written investment policy adopted by the board. Such policies shall be structured to maximize the financial return to the retirement system or plan consistent with the risks incumbent in each investment and shall be structured to establish and maintain an appropriate diversification of the retirement system or plan's assets.

Understanding the Investment Program

Filing the Investment Policy Statement with the Bureau of Local Retirement Systems is a Department of Management Services Local Retirement Plan Annual Report Requirement.

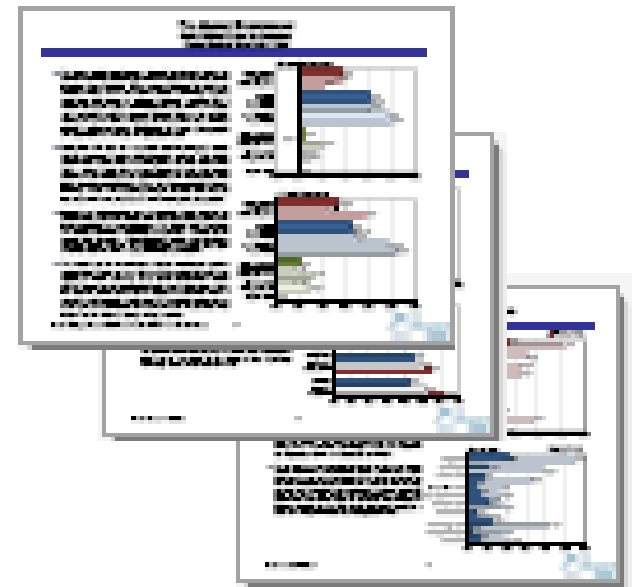
Investments 1) B.: Has the board adopted a written Investment Policy in accordance with the requirements of Section 112.661, Florida Statutes, and submitted a copy of this policy to the Bureau of Local Retirement Systems?

Yes _____ No _____ Date _____

Understanding the Investment Program

Performance Reporting

- Factors impacting financial markets
- Independent calculation of performance
- Total fund, asset classes, individual managers
- Investment Policy Compliance



Understanding the Investment Program

Investment Manager Considerations

- Portfolio fit
(correlations, approach, style)
- Consistency
- Fee and contract negotiations
- Investment vehicle
(mutual fund, separate account, etc.)



Understanding the Investment Program

Quantitative

Style consistency

Performance versus benchmark and peer group

Risk/Return Characteristics

Portfolio characteristics (valuation, capitalization)

Qualitative

Adherence to investment policy guidelines

Execution of approved investment strategy

Professional turnover

Changes in firm ownership/control

Understanding the Investment Program



Understanding the Investment Program

Blended Model

Independent Model

Portfolio Costs

Transparent
Fees

vs.

Additional
Broker Fees

Custody

Trading Fees &
Commissions
(Broker/Advisor)

Management Fees

Advisor Based Fee
(Broker/Advisor)

Custody

Trading Fees &
Commissions

Management Fees

Flat Fee Paid to
Consultant

- Fee increase with market value.
 - Interested party controls and shares trading fees.
 - Fees are not fully transparent to the client.
 - Hidden advisor fees can exceed “base” fees.
- Best-in-class model.
 - Lowest fees.
 - The consultant aligned with Sponsor.
 - Consulting fees remain flat.
 - Trading costs not determined by party of interest.

Understanding the Investment Program

Why Does Transparency Matter?



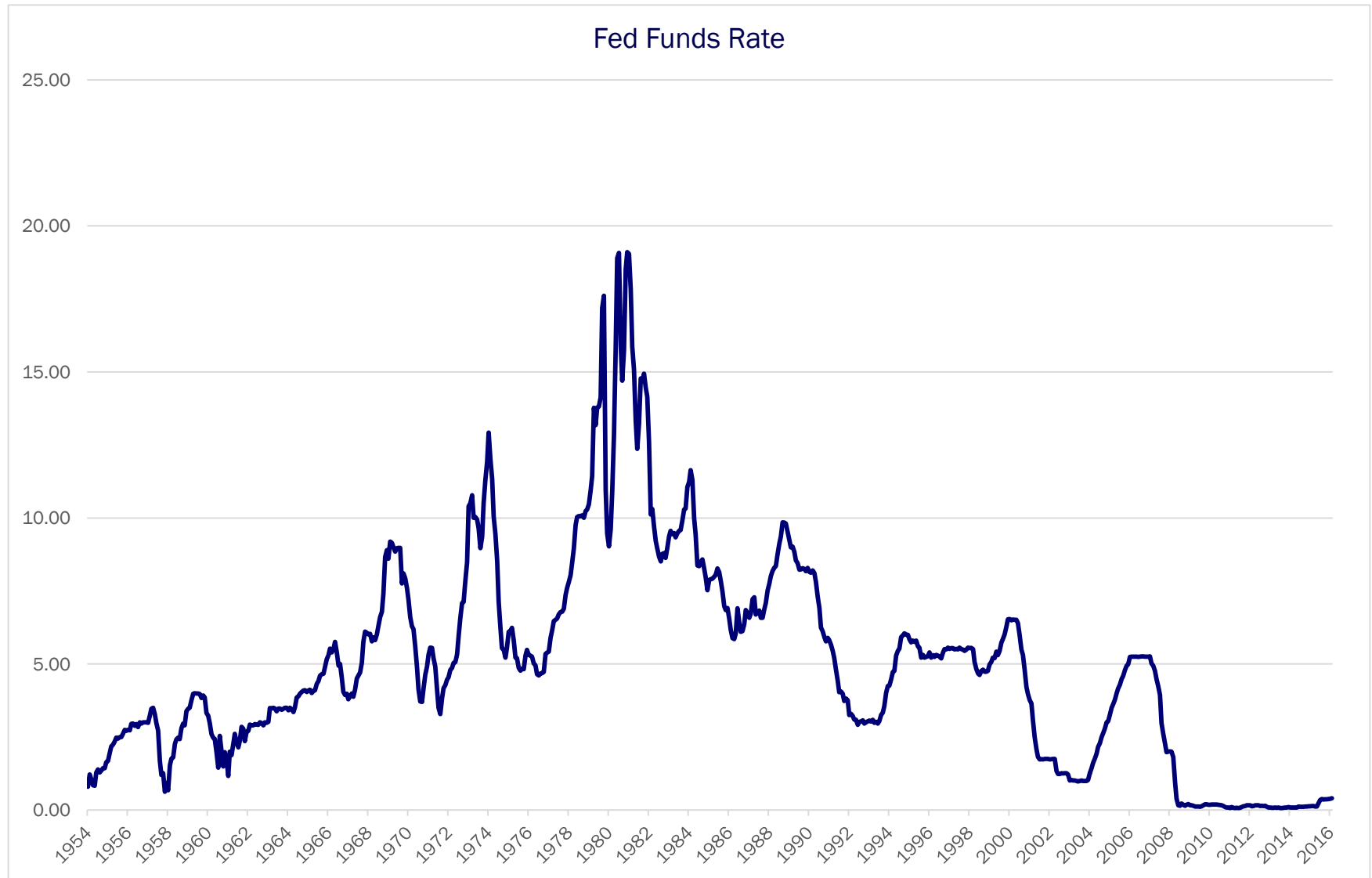
CAFE SANDWICHES			
sierra turkey on asiago cheese focaccia	6.49	470	970
smoked turkey breast on country	5.99	280	560
mediterranean veggie on tomato basil	5.89	300	610
smoked ham & swiss on stone-milled rye	5.99	350	710
tuna salad on honey wheat	5.99	300	590

Understanding the Investment Program

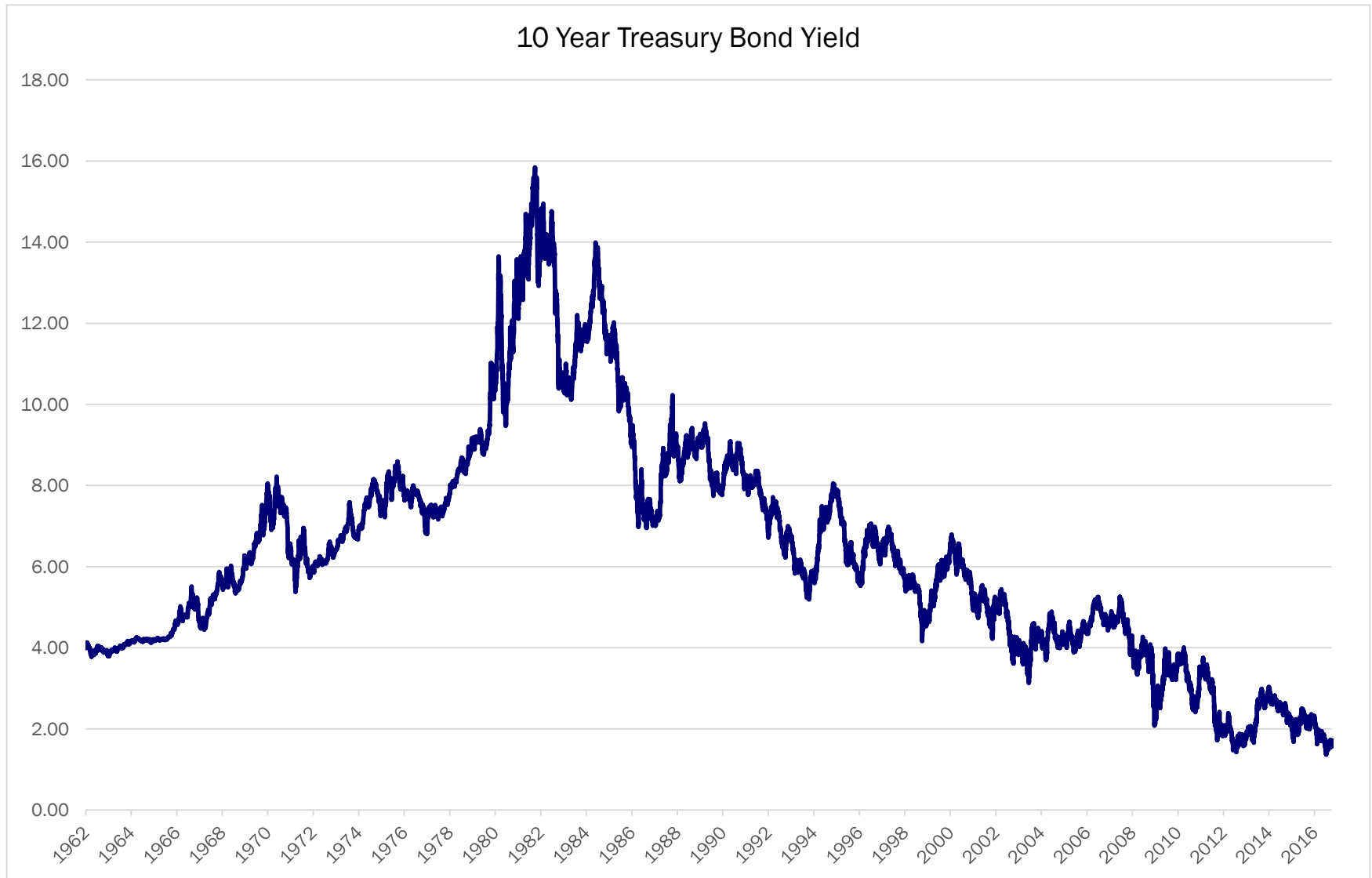
- Adopt a long-term view: Defined Benefit Plan's have long-term time horizons, but Trustees tend to have short-term perspectives
- Know the roles of your service providers and their fees.
- Indexing seems to make sense for the more efficient segments of the capital markets (such as domestic equities)
- Strive to have lower manager turnover.
- Spend more time on the asset allocation decision, less on individual managers
- Diversify to reduce volatility and downside risk
- Avoid the human emotion related to making investment decisions—don't chase yesterday's returns
- Rebalance—trim your winners

Current Considerations

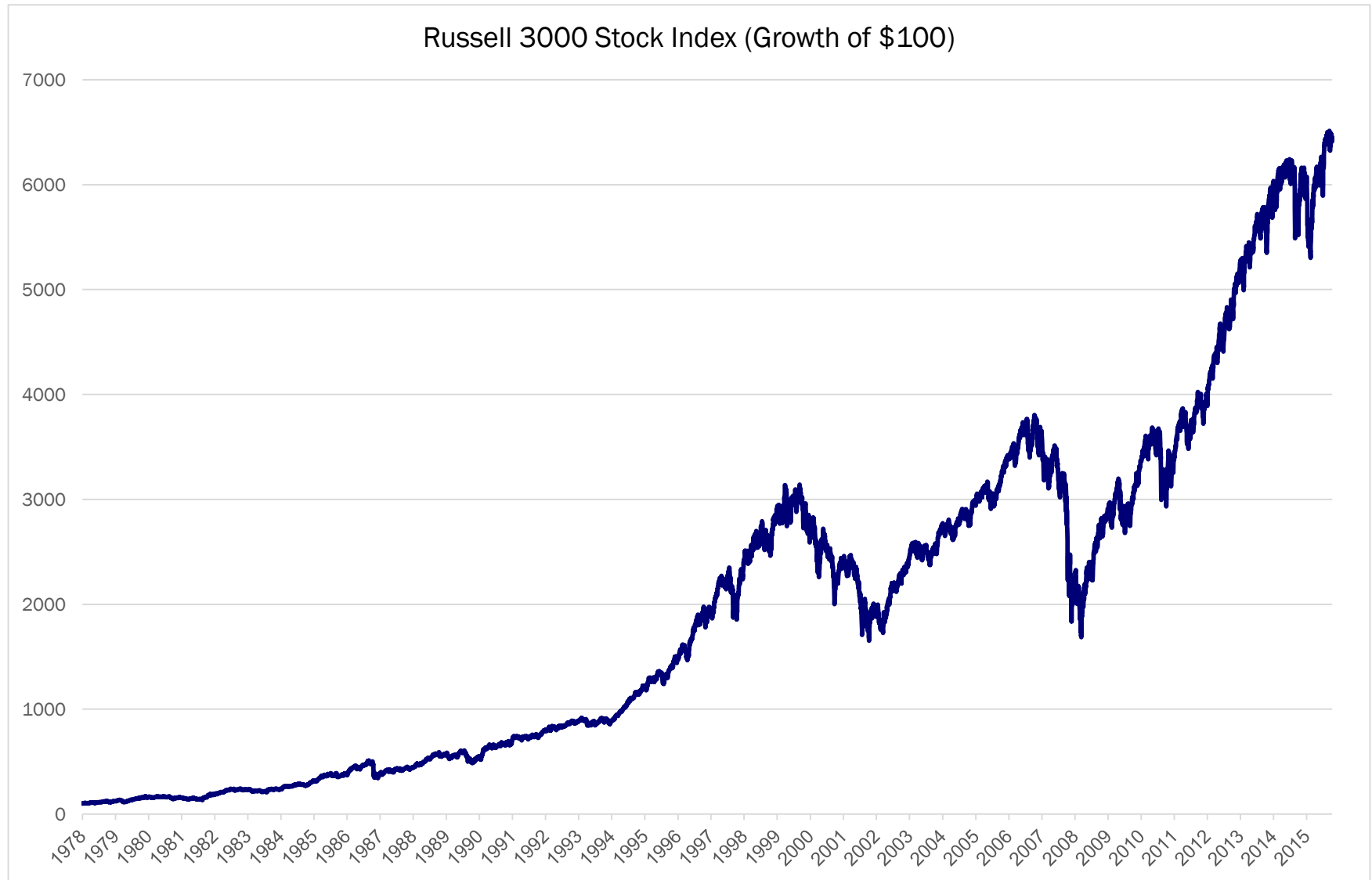
Current Considerations



Current Considerations

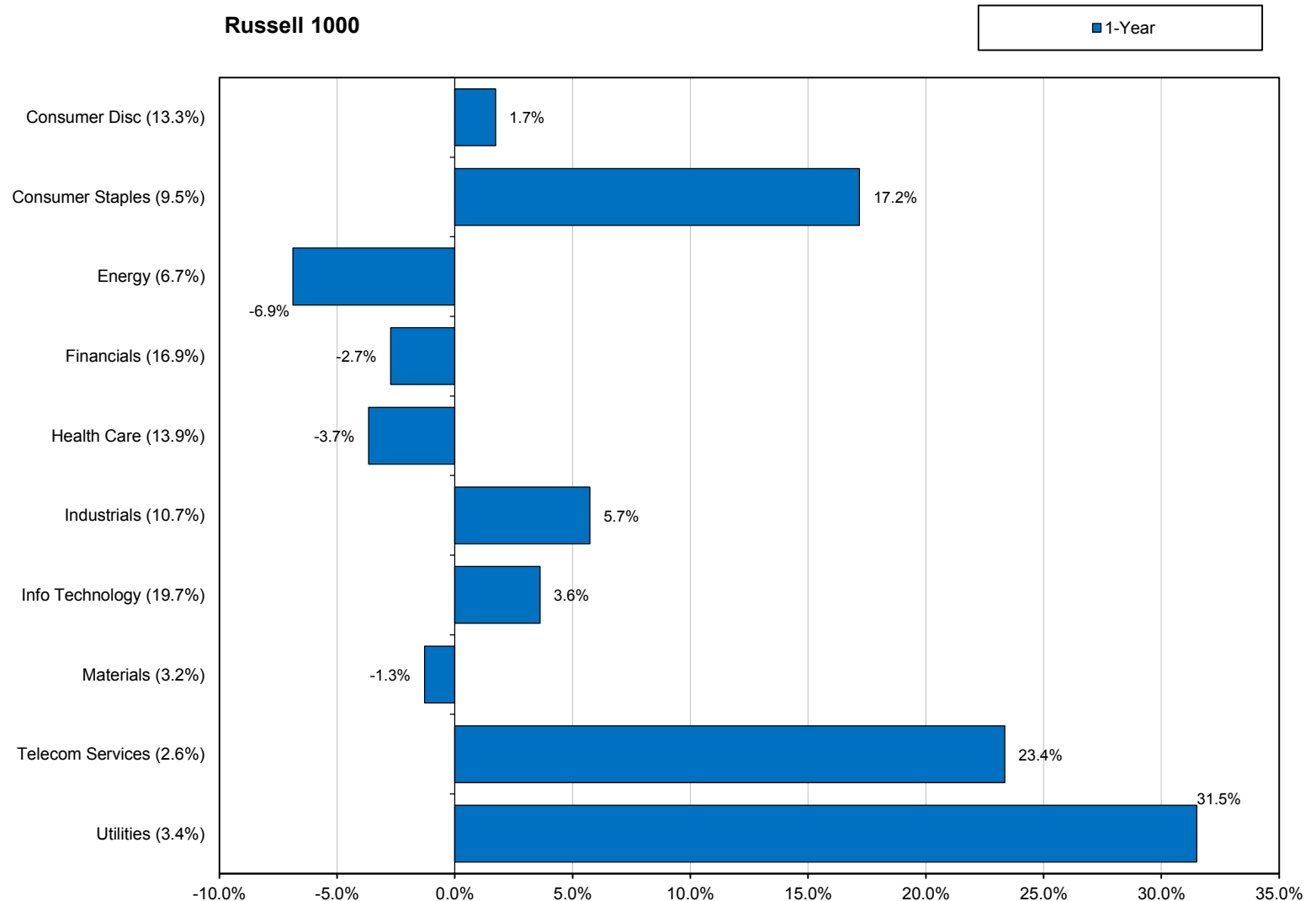


Current Considerations



Current Considerations

GICS Sector Performance (& Weights)



Current Considerations

Passive vs Active Investment Management

PASSIVE		ACTIVE	
Strengths	Weaknesses	Strengths	Weaknesses
✓ Low Cost ✓ Implementation Efficiency ✓ Consistency of Returns (you “get the market”) ✓ Difficult to beat net of fees ✓ “Safe” choice for decision makers and plan sponsors	✓ Aggregate of the market ✓ No potential for excess return ✓ Cap weighted benchmarks are inefficient ✓ Subject to market fads ✓ Net of fees, typically underperform index it is tracking	✓ Potential for above market return ✓ Potentially more efficient portfolio than passive ✓ Opportunity to avoid market fads ✓ Can be critical in low-return environments ✓ Compounding positive relative returns can be powerful advantage over the long-term	✓ Higher Cost ✓ Difficult to identify managers who can consistently outperform ✓ Potential for periods of large underperformance ✓ Requires patience and long-term perspective ✓ Requires additional due diligence

Current Considerations

Passive vs Active Investment Management

Efficient Capital Markets

Investment Grade US Bonds
Highly Traded US Stocks

Widely researched
Narrow investment universe
Large volume of securities traded
Highly liquid market
Low transaction costs

Inefficient Capital Markets

High Yield and Intl Bonds
Mid and Small Cap Stocks
Developed & Emerging Intl Stocks
Real Estate & Alternatives Assets

Not as widely researched
Broad Investment Universe
Lower volume of securities traded
Less liquid markets
Higher transaction cost

Current Considerations

GASB 67 & 68 Required Investment Related Disclosures

Money Weighted Rate of Return – Plans need to disclose the trailing annual money-weighted rate of return on pension plan investments calculated as the internal rate of return on pension plan investments, net of pension plan investment expense.

Long-Term Rate of Return Assumption – A description of the assumptions and methods used to determine the long-term expected rate of return assumption. This includes the asset allocation of the pension plan's portfolio and the long-term real rate of return for each major asset class.

Current Considerations

SB (534) – 2013

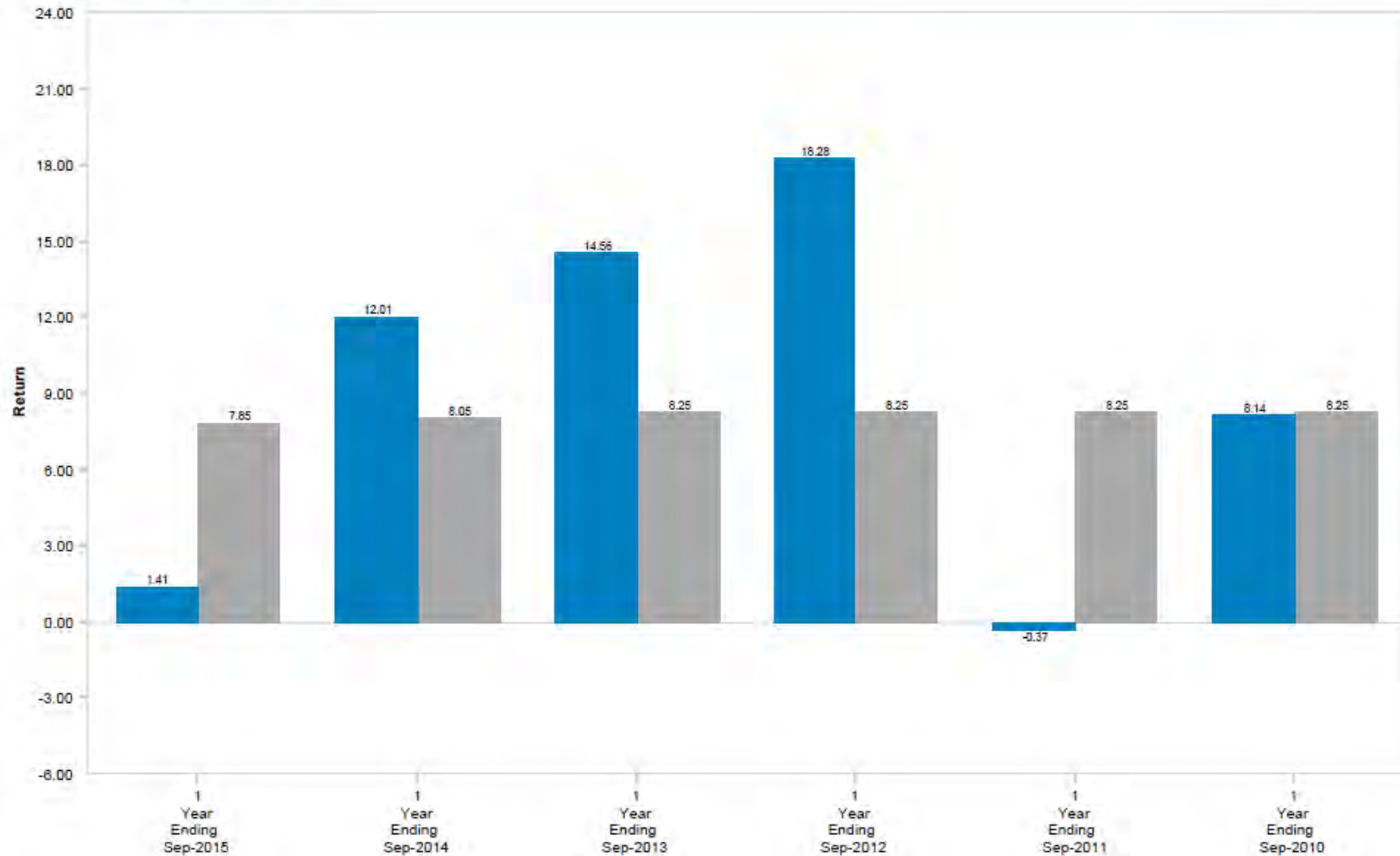
Plans must provide a by-side comparison of the plan's assumed rate of return compared to the actual rate of return, as well as the percentages of cash, equity, bond, and alternative investments in the plan portfolio.

Current Considerations

SB (534) – (Sample Disclosure)

As of September 30, 2015

Comparative Performance (Net of Fees)



Current Considerations

SB (534) – (Sample Disclosure)

As of September 30, 2015

Asset Allocation Attributes														
	Sep-2015		Sep-2014		Sep-2013		Sep-2012		Sep-2011		Sep-2010		Sep-2009	
	(\$)	%	(\$)	%	(\$)	%	(\$)	%	(\$)	%	(\$)	%	(\$)	%
Total Equity	43,993,301	61.98	43,663,640	64.76	38,242,127	66.12	30,682,929	62.85	21,345,985	57.55	20,896,403	60.87	16,107,265	59.64
Total Domestic Equity	37,466,876	52.79	37,128,509	55.07	32,329,467	55.90	26,294,297	53.86	17,974,548	48.46	15,672,869	45.65	12,927,322	47.86
Total International Equity	6,526,425	9.20	6,535,131	9.69	5,912,660	10.22	4,388,632	8.99	3,371,437	9.09	5,223,533	15.21	3,179,943	11.77
Total Fixed Income	18,531,933	26.11	16,977,093	25.18	15,025,175	25.98	13,332,999	27.31	12,351,582	33.30	9,425,070	27.45	8,630,836	31.96
Total Domestic Fixed Income	15,134,791	21.32	13,503,205	20.03	12,121,597	20.96	11,773,448	24.12	10,974,444	29.59	9,425,070	27.45	8,630,836	31.96
Total Global Fixed Income	3,397,142	4.79	3,473,887	5.15	2,903,577	5.02	1,559,551	3.19	1,377,138	3.71	-	0.00	-	0.00
Total Real Estate	8,040,236	11.33	6,482,718	9.62	4,109,274	7.11	3,667,547	7.51	3,175,378	8.56	2,269,135	6.61	756,753	2.80
Total Cash Equivalent	409,015	0.58	295,392	0.44	458,224	0.79	1,138,258	2.33	216,514	0.58	1,741,395	5.07	1,514,481	5.61
Total Fund Portfolio	70,974,484	100.00	67,418,844	100.00	57,834,800	100.00	48,821,733	100.00	37,089,459	100.00	34,332,003	100.00	27,009,334	100.00

Current Considerations

- Be aware of the investment related information and disclosures your Plan must provide.
- Understand Plan investment decisions and purpose.
- Understand Plan investment assumptions.
- You are not supposed to be an expert, but you must always act as a Fiduciary to the Plan.
- Ask questions.

Current Considerations

***Continuing Education across all aspects of the Plan.**

Florida Statute 112.656

1): A fiduciary shall discharge his or her duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

Building a Prudent Investment Program

Thank You!!

46th Annual Police Officers' & Firefighters' Pension Conference

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W. Gregory Holden is a Vice President/Client Consultant for Manning & Napier. In this capacity, he is responsible for coordinating all aspects of client relationships with Manning & Napier. Greg joined Manning & Napier in 2009 and works out of our Southeast regional office in St. Petersburg, FL.

He has over ten years of experience in the investment industry, including past positions at Ziegler Capital Markets, Robert W. Baird & Co., Inc., and Lancaster Pollard & Co.

Greg earned his BA from Denison University and holds Series 7, 63, and 65 licenses.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

Active Management in an Uncertain World

Solutions for a Slow-Growth Environment

Prepared for:

46th Annual Police Officers' and Firefighters' Pension Conference

November 2016



Manning & Napier Background



About Us

- Founded in 1970 in Rochester, NY
- \$34.8 billion in assets under management
- Approximately 70 Economists, Strategists, Analysts, and Research Associates/Assistants
- U.S. & non-U.S. equity, fixed income, and multi-asset class strategies
- Proven approach to active management through multiple market cycles
- Regional, national, and global service coverage
- Publicly traded (NYSE: MN*) majority employee-owned firm

Economic and Market Overview

Seeking Growth in a Slow-Growth World

Economic and Market Realities – We live in an uncertain world

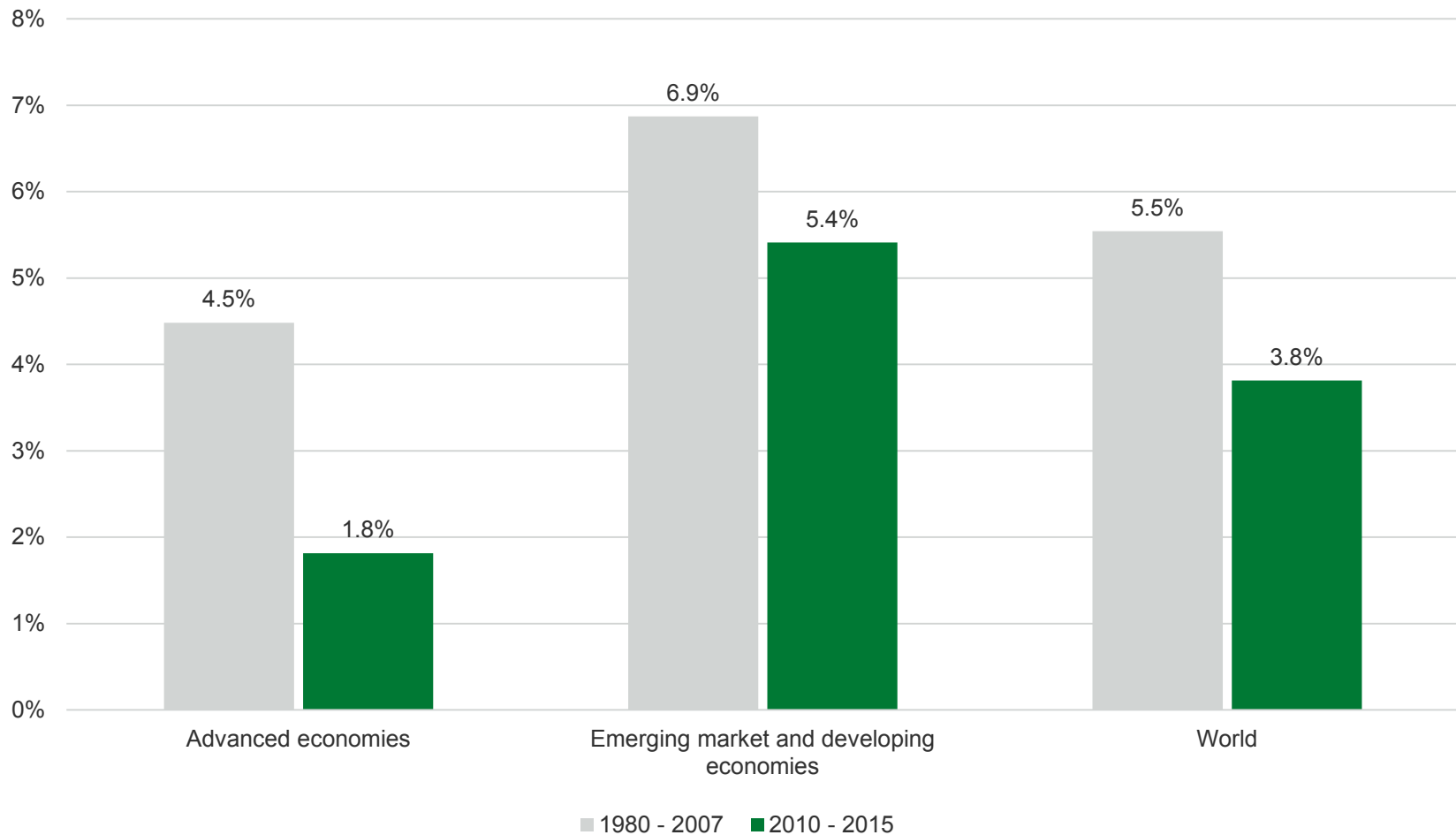
- » Slow global economic growth
- » Lack of compelling valuations in equity and fixed income markets
- » Uncertainty + slow growth – valuation catalyst = volatility
- » Low yield environment presents challenges for achieving investment goals

Keys to making investment decisions given the economic and market realities

- » Flexible active approach that adjusts to the economic and market environment
- » Top-down and bottom-up framework for analyzing individual investments
- » Pricing discipline: delivering return potential at reasonable valuations

Too Slow for Too Long

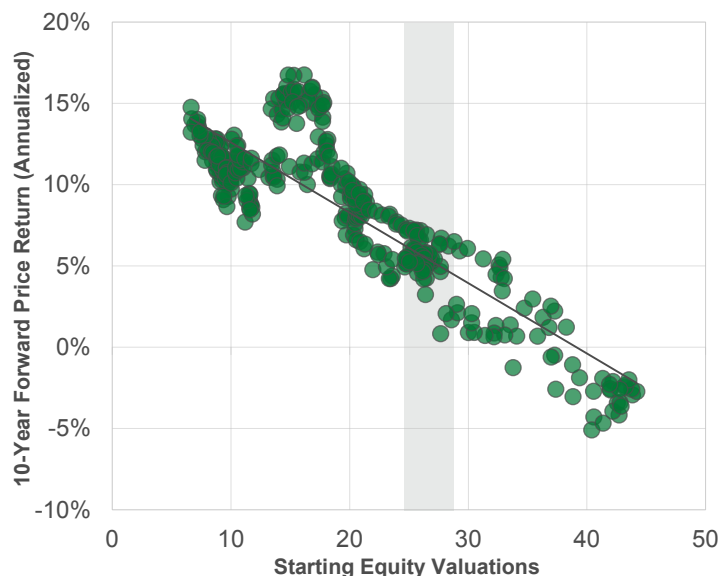
Global GDP Growth Since 1980: Pre- and Post-Global Financial Crisis



Slow Growth + No Valuation Catalyst = Muted Return Expectations

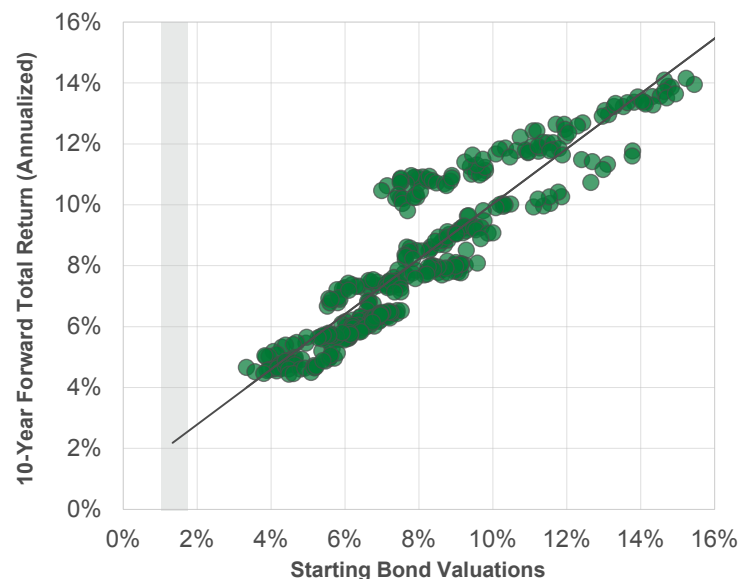
10-Year Forward Expected Returns Based on Current Valuations

Equity Valuations vs. S&P 500 10-Year Forward Price Return (January 1976 – August 2016)



Source: FactSet, Robert Shiller. Equity valuations as measured by cyclically adjusted price-to-earnings (CAPE). Shaded region shows the current valuation.

Bond Valuations vs. Barclays U.S. Aggregate Bond 10-Year Forward Total Return (January 1976 – August 2016)

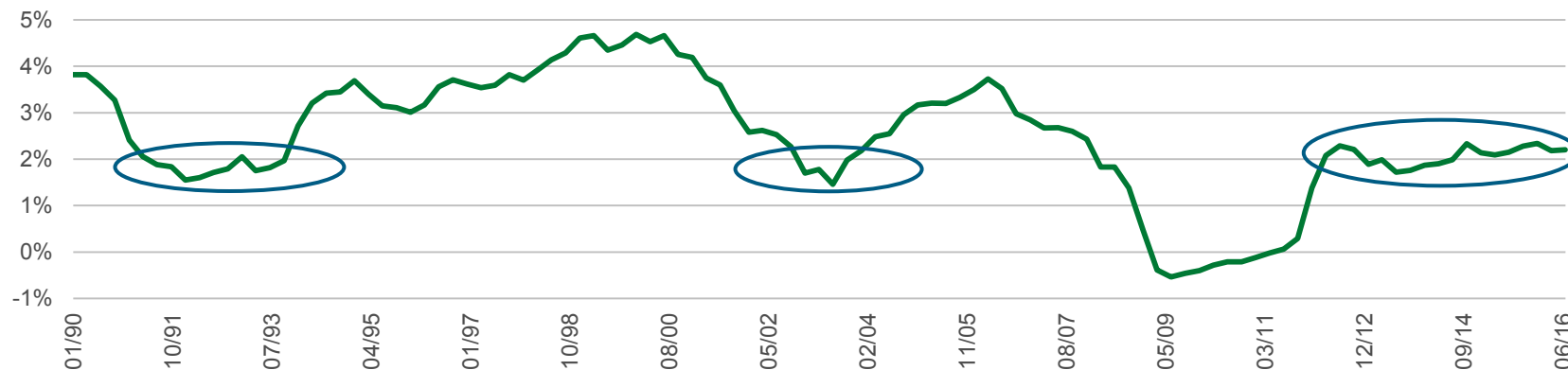


Source: FactSet. Bond valuations as measured by yield-to-worst. Shaded region shows the current valuation.

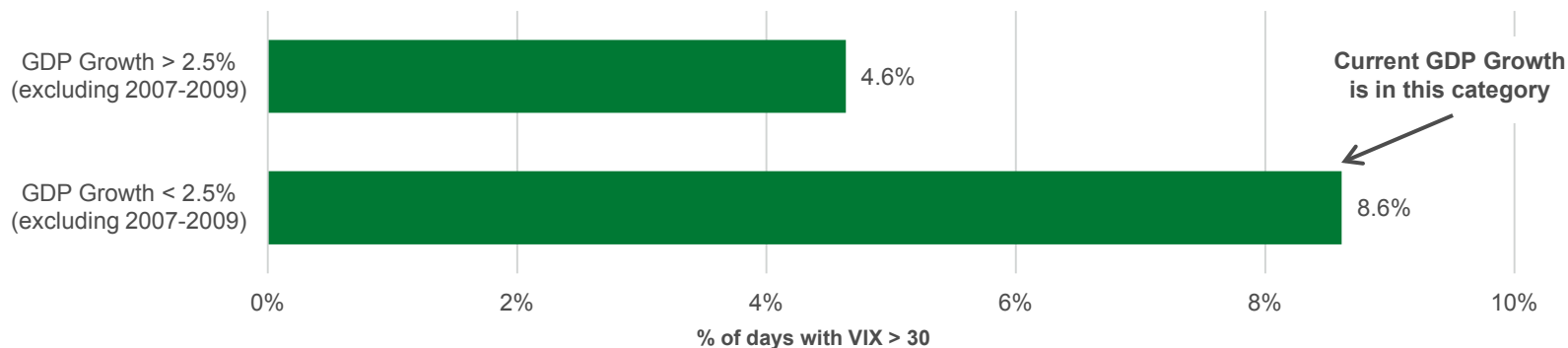
Flexibility and strong fundamental analysis will be required to potentially enhance returns

Slow Growth and Volatility Have Been the Status Quo

U.S. Real GDP Growth – Three-Year Annualized (January 1990 – June 2016)



CBOE Market Volatility Index and U.S. Real GDP Growth – Three-Year Annualized (January 1990 – June 2016)



Global Outlook

Economic and market realities impact investment decisions

Developed Markets

- Growth expected to be slow but stable (U.S./UK mid-cycle, Europe early-mid, Japan no cycle)
- Central banks should remain accommodative in this environment
- Consumer is benefitting from lower commodity prices
- Valuations are on expensive side of neutral

Emerging Markets

- Economic conditions vary widely between countries
 - Growth will be constrained by weakness of global economy
 - Domestic environments and consumption growth are strong positives in some emerging countries
 - Potential changes to U.S./Developed market monetary policy
- Avoid markets heavily influenced by capital flows (trade, deficits, high foreign debt)
- Need to see leaders implement reforms meant to improve long-term economic outlook

2016-17 are important for Elections globally...

- The emergence of non-mainstream candidates occurring in many countries
- Populist/protectionist/heterodox policies could increase market and geo-political risks/volatility

2016 President Tax Proposals



Create “surcharge” on high-income taxpayers

Create the “Buffett Rule,” which would establish a minimum tax on taxpayers with AGI over \$1 million

Cap itemized deductions

Adjust the schedule for long-term capital gains

Limit the total value of tax-deferred and tax-free retirement accounts

Reduce the Estate Tax and Gift Tax exemptions



Consolidates 7 brackets into 3

Increase the standard deduction

Accelerate the personal exemption phase-out and limitation on itemized deductions

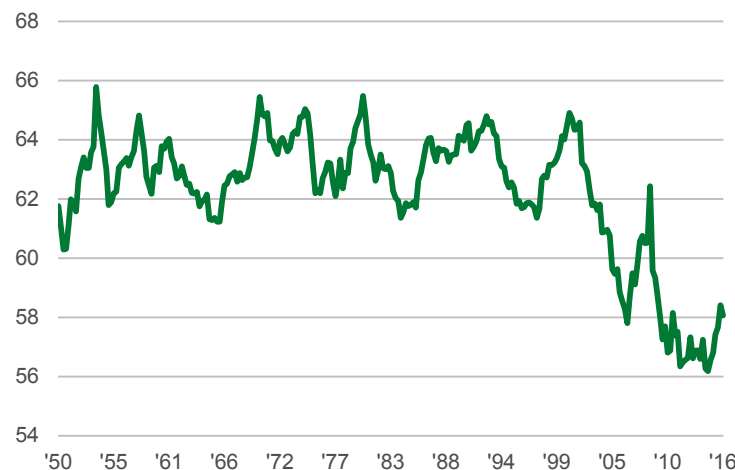
Eliminate the Alternative Minimum Tax, the 3.8% Net Investment Income Tax, and the Estate Tax

Reduce the corporate income tax rate

2016 U.S. Presidential Election

- The persistent slow-growth economic environment since the end of the global financial crisis helped boost the popularity of political outsiders such as Donald Trump (as well as Bernie Sanders during the Democratic primary).
- There has been greater emphasis on the return on capital and operating efficiency than outright growth during the past few years, and a large labor surplus after the financial crisis further kept a lid on wages.
- The net result has been that the share of profits being awarded to workers has declined.
- The support for candidates who promise to upend the system is a rational one in the context of the workings of a free-market economy in the current environment.
- These dynamics will have a significant effect on the decision-making of whoever is the next president, whether it is Hillary Clinton or Donald Trump.
- With that in mind, from an investment perspective, history suggests not reading too much into which candidate wins. Investment performance will depend more on fundamentals than the political landscape in Washington.
- That does not mean that we are complacent in the face of potential changes. From a financial planning perspective, once the rules of the game are known, we can work with clients to determine the best course of action going forward.
- We also will monitor policy debates in Washington and consider how they might impact potential investments.

U.S. Corporate Compensation as a Percentage of Corporate GDP
(03/31/1950 - 03/31/2016)



Source: FactSet.

In the case of making investment decisions in the context of a new administration, we think it is best to take a wait-and-see approach versus relying on the often-shifting and unreliable rhetoric of the campaign trail.

Current Sector Outlook

Overweight Information Technology and Consumer Discretionary

Sectors that are tied to global secular growth themes

- Target companies levered to secular trends such as online advertising and consumption, electronic payments, more efficient delivery of healthcare services
- Seek companies whose prospects are not fully reliant on broader economic expansion

Underweight Financials and Industrials

Other cyclical sectors

- The market is several years into an economic cycle
- Persistent slow economic growth going forward
- Credit losses could increase if an economic downturn occurs

Underweight Telecommunication Services and Utilities

Defensive Sectors

- Low growth prospects
- Valuations for the highest dividend paying companies do not look attractive

Technology Sector Overview

Tech has evolved into a rather diverse sector

Secular Growth (Software and Internet) vs. Mature (Hardware and Semis)

- Low growth environment: focus on secular growth
 - Looking for “winners” with share gain potential in secular growth markets.
 - Leadership/breadth has narrowed – harder to find “fat pitches”
- Tech is maturing: Slowing growth, consolidation, increasing capital returns
 - Mature tech does not equal Defensive tech
 - Mature tech often faces secular disruption – “value” vs. “value trap”

More “Defensive” (Software/Services) vs. more “Cyclical” (Hardware and Semis)

- Mid-to-late cycle: focus on software/services
 - Secular share gainers, recurring revenue models

Investable Technology Themes

- Digitalization and shift to online (Google, Facebook, Amazon, Priceline)
- Cloud computing (ServiceNow, Microsoft, Amazon)
- Artificial intelligence/machine learning (Google, Facebook, Amazon)
- E-commerce and electronic payments (Amazon, MasterCard, Visa, PayPal)
- Valuation/catalyst driven (Apple, Qualcomm)

Healthcare Overview

Exposures and Themes

Investable Healthcare Themes

- Payment Reform – Shift from fee-for-service to value-based purchasing (Cerner)
- Cost Containment – Improve quality, safety, and cost of healthcare delivery (Express Scripts)
- Disruptive Technologies (Intuitive Surgical)

Cerner: Premier company in the healthcare information technology industry (HCIT)

- Solutions for practice management, clinical integration, care coordination, and financial management
- Beneficiary of trends related to digitizing medical records, sharing information and best practices
- HCIT will capture a larger portion of total physician and hospital capital investment and operating expenses

Intuitive Surgical: Robotic-assisted surgery systems (“da Vinci” brand)

- Dominant position (~90%+ share) in the growing (20%+ CAGR) robot-assisted surgery industry
- Platform technology leveraging robotics to improve surgical methods (costs, recovery times, risk of complications)
- Has penetrated less than 5% of its total U.S. addressable market (even earlier stages outside the U.S.)

Consumer Discretionary Overview

Exposures and Themes

Media Content (Time Warner, Twenty-First Century Fox)

- Top content can capture viewership in more places, on more devices, and over a much broader period of time, which increases that value of that content
- Global opportunity: penetration rates are lower, growth rates are higher outside the U.S.
- Media networks: growing revenue and EPS greater than the market, with much higher margins than the market
- Valuations are below historical averages and materially lower than the market

Online migration (Priceline, TripAdvisor, Amazon)

- The proliferation of e-commerce has fundamentally changed the way consumers shop and spend (Priceline)
- Top of the consumer research funnel - opportunity to monetize (TripAdvisor)
- Consumer-ization of Technology - shift to outsourcing of technology needs (Amazon)

Retail: Company-specific investments

- Jack in the Box: franchising opportunities at Jack, growth of Qdoba brand
- Yum Brands: highly franchised global business supports growth in developing economies
- Dollar General (sold): small share of a large market, small-ticket product mix insulated from online competition

Today's World Used To Be Only Academic Theory

Global bond yields are at the lowest level in recorded history.

- \$10 trillion of sovereign debt with negative yields.
- Banks in Denmark and Belgium have paid instead of charged interest on mortgages for some customers.

Central bank balance sheets are bloated.

Riskier assets have generally increased in value amid ultra-accommodative monetary policies.

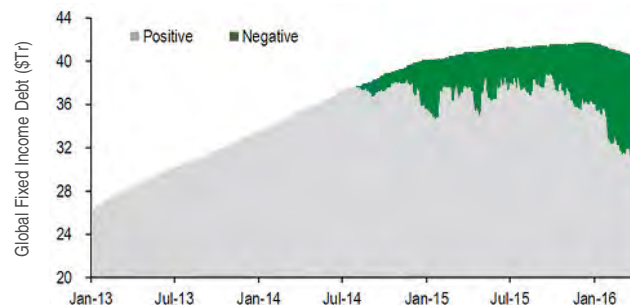
- It has not mattered what you own in equity markets, for instance.
- This has benefitted passive investment strategies that ride the market.

These are unsustainable conditions.

- It does matter what you own in a market where central banks are normalizing monetary policy.
- Investment managers who recognize the inherent risks and position clients appropriately should benefit from volatility.

In Yield Terms: The World is Poorer

(The proportion of negative yielding assets across the global fixed income market is increasing rapidly so far in 2016)

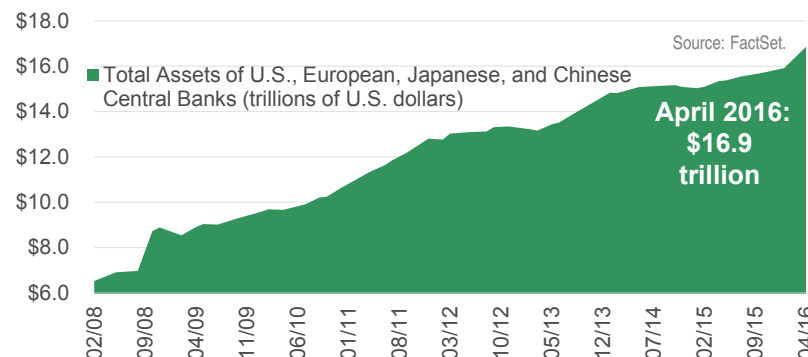


Source: Bank of America (BoFA) Merrill Lynch (ML) Global Research.

Uses the BoFA ML Global Fixed Income Index GFIM. Bonds that mature in the following 12 months were included.

Total Assets of Major Central Banks

(02/29/2008 – 04/29/2016)



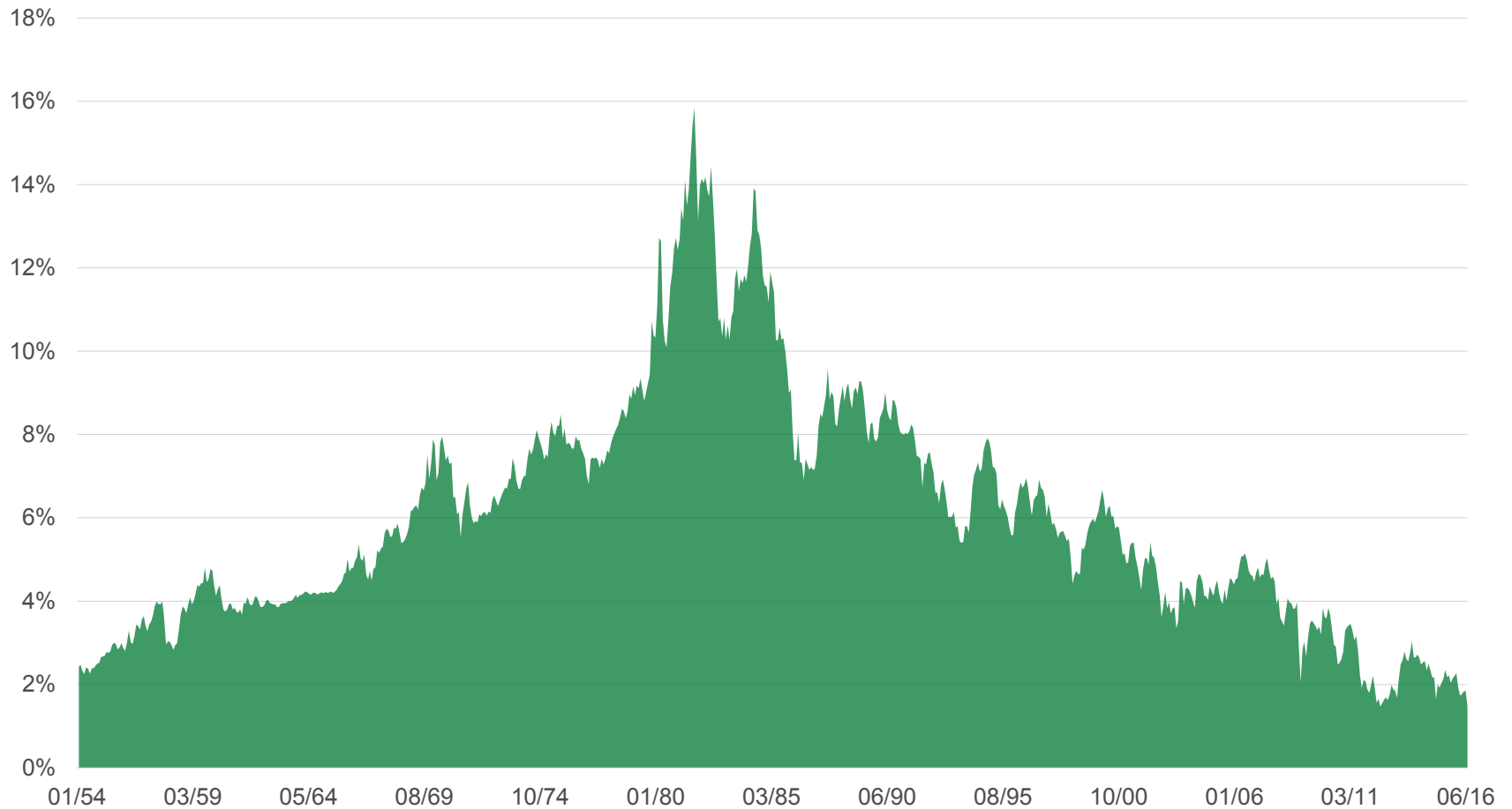
Source: FactSet.

April 2016:
\$16.9
trillion

Managing risk in this uncertain environment requires a strategy that is active with respect to sector and security decisions as well as portfolio construction.

Bond Yields

10-Year Treasury Yield (01/31/1954 – 06/30/2016)



The Effect of Interest Rate Movements

The Risk of Adverse Interest Rate Movements

The 10-Year U.S. Treasury Yield is 1.47%	12 months from now, if rates change...	The estimated total return for the 10-year Treasury would be...
	+4.50	-31.43%
	+2.00	-14.08%
	+1.00	-6.50%
	+0.50	-2.56%
	+/-0.00	1.47%
	-0.50	5.61%
	-1.00	9.86%
	-1.50	14.21%
The Long-Term Average Yield: 6.36%		

Balancing shifting sources of risk and return requires a focus on long-term total return and capital preservation in addition to the use of extra tools and enhanced flexibility.

Fixed Income Outlook

We believe in a shorter duration than the benchmark

- Interest rates remain near historical lows.
- Investors are not being adequately compensated to extend maturity/duration.
- The term premium (compensation for holding a longer-term security) remains negative, so investors are still not being paid to take on interest rate risk.

Credit remains attractive

- Slow economic growth is supportive of credit.
- However, we are in the seventh year of economic expansion and credit valuations are not as compelling as they were earlier in the cycle.
- During bouts of market strength, we could trim credit exposure.

Seek opportunistic investments as market conditions change

- Initiated exposure to Treasury Inflation-Protected Securities (TIPS) when market inflation expectations were too low.

Economic and Market Realities: Recap

Economic and market realities – slow growth and lack of valuation catalysts

- Businesses positioned to deliver stability and consistency in an uncertain world
- Manage interest rate, credit, and currency risk

Flexible active management approach that adjusts to the economic and market environment

There is No Roadmap for the Future

Unprecedented monetary and fiscal policies have characterized the environment during the past few years.

The inevitable unwinding of these policies will create both risks and opportunities.

Investors must be **diligent, disciplined, *and* selective.**

Questions?

For more information visit: www.manning-napier.com/Insights
or contact: info@manning-napier.com

Disclosures



The Barclays U.S. Aggregate Bond Index is an unmanaged, market-value weighted index of U.S. domestic investment-grade debt issues, including government, corporate, asset-backed, and mortgage-backed securities, with maturities of one year or more. Index returns do not reflect any fees or expenses. I

The S&P 500 Total Return Index (S&P 500) is an unmanaged, capitalization-weighted measure of 500 widely held common stocks listed on the New York Stock Exchange, American Stock Exchange, and the Over-the-Counter market. The Index returns assume daily reinvestment of dividends and do not reflect any fees or expenses. S&P Dow Jones Indices LLC, a subsidiary of the McGraw Hill Financial, Inc., is the publisher of various index based data products and services and has licensed certain of its products and services for use by Manning & Napier. All such content Copyright © 2016 by S&P Dow Jones Indices LLC and/or its affiliates. All rights reserved. Neither S&P Dow Jones Indices LLC, Dow Jones Trademark Holdings LLC, their affiliates nor their third party licensors make any representation or warranty, express or implied, as to the ability of any index to accurately represent the asset class or market sector that it purports to represent and none of these parties shall have any liability for any errors, omissions, or interruptions of any index or the data included therein.

46th Annual Police Officers' & Firefighters' Pension Conference

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Rick Burke is a shareholder in the law firm of GrayRobinson, P.A. Rick received his J.D. degree with honors, from Nova University College of Law in 1983 and his Masters of Law degree (LL.M.) in Taxation from the University of Florida College of Law in 1984.

Rick specializes in retirement programs and deferred compensation and has been Chairman of the Employee Benefits practice area of the firm since 1992. GrayRobinson has always been considered a state-wide leader in this field and enjoys one of the largest practices in Florida. Rick has practiced exclusively in this area since 1985. He is a frequent lecturer on benefit issues and has conducted several seminars on a national level.

Rick's practice involves the design, drafting, implementation and operation of "qualified" retirement plans and "non-qualified" deferred compensation arrangements. This field is one of the most complicated areas of the law and is heavily regulated by the federal government. Recently, retirement programs have been targeted for increased audit activity by the Internal Revenue Service and the Department of Labor. Over the years, Rick has successfully defended employers against the IRS and DOL in more than 300 audits/appeals/rulings, VCP submissions, etc.

Rick's clientele includes numerous governmental and tax-exempt organizations, as well as publicly traded companies and privately held employers. In fact, most of Rick's practice currently involves governmental plans. The rules that apply to these arrangements are significantly different than the requirements applicable to private sector retirement programs, which makes this a specialty area within a specialty practice.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

IRS ISSUES RELATING TO CHAPTER 175 & 185 POLICE AND FIRE PENSION PLANS

RICHARD E. BURKE, ESQ.

GRAYROBINSON, P.A.



IRS Resolves DROP Issues

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Between 2007 and 2014, the IRS National Office adopted the position that (i) defined contribution (“DC”) DROPs are defined contribution plans (“DCPs”) for purposes of applying the IRS limit on plan contributions/benefits (i.e., the IRC § 415 limits) and that (ii) the annual DROP deposits (i.e., the annual sum of the monthly retirement benefit amounts credited to a participant’s DROP account) are subject to the “annual additions” limitation applicable to DCPs (currently \$53,000).

This interpretation would have adversely affected thousands of governmental DC DROP arrangements. However, the IRS reversed this position. On December 8, 2014, the IRS National Office issued a memorandum (“IRS Memorandum”) to its field personnel indicating that DROP deposits are not subject to the annual additions limitation applicable to DCPs. At the time, we believed this Memorandum resolved all of the IRS issues relating to DC DROPs. This was not the case.

Unfortunately, the IRS Cincinnati District Office became uncertain as to how DC DROPs satisfy the “definitely determinable benefit” requirement. Essentially, this rule requires that the level of benefits must be determinable from an examination of the plan documents and from factors not within the control of the sponsoring employer.

Based on this concern, the IRS requested an explanation from representatives of the approximately 75 pending governmental plan favorable determination letter requests containing DC DROPS as to how these arrangements satisfy the definitely determinable benefit rule.

As the result of these requests, the IRS was informed of the existence of various old IRS pronouncements (including Rev. Rul. 71-24, Rev. Rul. 68-647 and PLR 8206033) concluding that arrangements, very similar to DC DROPs, satisfy this requirement. **Based on this authority, the IRS now agrees that DC DROPs satisfy the definitely determinable benefit rule.**

However, the IRS review process focused on “definitely determinable” issues relating to the allocation of earnings/losses/expenses. For example, if the DROP accounts are credited with the same rate of return as the Plan’s general trust fund, the IRS requires amendments that very specifically explain how this calculation is performed (including expenses that are taken in account).

The IRS has been much less restrictive on self-directed DROP accounts invested in “regulated investment companies” as defined in IRC § 851 (e.g., mutual funds). Although we are not certain about the reason for this distinction, we believe it is due to the fact that the internal rate of return of these investments is subject to public disclosure.

Lessons learned from DC DROP saga:

- DC DROPS are not subject to defined contribution plan limits.
- Plans having DC DROPS that have not received favorably determination letters should consider adopting amendments that comply with this IRS interpretation.

- Plans having other defined contribution “features” (e.g., share plans, accumulated leave contributions allocated to DROP or similar accounts, etc.) should consider adopting amendments that comply with this IRS interpretation.

- Review different benefit structures (e.g., share plans, accumulated leave contributions allocated to DROP or similar accounts, etc.) for compliance with the definitely determinable benefit rule).
- Thank God the IRS favorable determination letter program is ending (subject to an exception for initial submissions and plan terminations)! Just kidding! 😊

In addition to resolving the IRC § 415 treatment relating to DROP deposits, the IRS Memorandum also addressed the IRC § 415 testing of other employee and employer contributions made to participant DROP accounts (e.g., accumulated leave contributions allocated to DROP accounts, etc.) which the Memorandum refers to as “Additional Contributions.”

According to the IRS Memorandum, the **only** time Additional Contributions are subject to IRC § 415(c) testing (i.e., the test applicable to DCPs) **is if they satisfy all three of the following conditions:**

- 1) the DROP account consists of **“segregated accounts”** for each participant; and

- 2) the earnings on the amounts allocated to the DROP account are based **“solely on the actual investment earnings”** i.e., the DROP does not provide for a “fixed or guaranteed rate of return” on the funds in the DROP account (as defined in the Memorandum); and
- 3) The DROP account does not provide for the cessation of the accrual of earnings at any time.

Due to the manner the IRS Memorandum defines conditions (1) and (2) above, it would be unusual (under most plan designs) to have Additional Contributions subject to IRS § 415(c) testing (i.e., the test applicable to DCPs). It appears that Additional Contributions would only be subject to IRC § 415(c) testing under the following circumstances:

- 1) self-directed DROP accounts where the earnings are based solely on actual investment earnings; and
- 2) the Plan specifically provides that all DROP benefits payable to a participant are only paid from the assets in the participant's DROP account; and
- 3) Earnings continue to be credited as long as there are assets in the DROP account.

For example, assume Plan X (a Chapter 185 defined benefit plan) contains a DROP which credits member DROP accounts with annual earnings equal to the same rate of return earned by Plan X's general trust fund. Further assume, that whenever a member enters DROP, his/her DROP account is credited with the value of his/her accumulated leave at that time (in addition to the normal DROP deposit amount).

Under these circumstances, the value of accumulated leave added to member DROP accounts is **not** subject to IRC § 415(c) testing (**because the arrangement fails all three of the required conditions**). Thus, the entire value of each member's DROP account is added to his/her annuity benefit and tested under IRC § 415(b) (i.e., the test applicable to defined benefit plans).

We believe the guidelines set forth in the IRS Memorandum may extend to employee and employer contributions allocated to other types of “accounts” created as part of a defined benefit plan (in addition to DROP accounts). This is due to the fact that there is **no substantive distinction** between DROP accounts and other accounts set forth in a defined benefit plan (e.g., share accounts, etc.)

Yippee!

IRS APPROVES FAVORABLE RESOLUTION OF REHIRED RETIREE ISSUES FOR POLICE AND FIRE PENSION PLANS



Over the years, many cities permitted police and/or firefighters to retire from their pension plans at normal retirement age and then immediately rehired these individuals in the same or related capacity pursuant to a pre-arranged mutual agreement.

This practice increased when the utilization of police as “school resource officers” (“SROs”) became widespread. This approach permits the affected officer to receive retirement distributions as well as his/her part-time salary as a SRO.

Unfortunately, this practice violates the so-called “qualification” requirements of the Internal Revenue Code, potentially subjecting all plan members to severe federal tax consequences. **However, on November 23, 2015 the author received a ruling from the IRS resolving this problem which avoids this negative effect!**

In order to correct this defect, we proposed the **retroactive adoption of a plan amendment permitting “in-service” pension distributions after normal retirement age** and the **IRS accepted this methodology**. Resolving this type of qualification defect via a plan amendment is only permitted if the plan sponsor submits the problem to the IRS pursuant to its “Voluntary Correction Program” (“VCP”).

The other way of correcting this defect is to cease retirement payments to the affected plan members and have the pension board “recoup” the previously made “improper” distributions. This would likely cause an incredible hardship on these individuals and could potentially result in litigation against the plan sponsor and/or the pension board.

Thus, the retroactive plan amendment correction methodology avoids this result and prevents the possibility of plan disqualification!

IMPERMISSIBLE CASH OR DEFERRED ARRANGEMENTS

The IRS rules preclude any governmental pension plan from containing a cash or deferred arrangement (“CODA”). **Therefore, including a CODA in a governmental pension plan is a so-called qualification defect,** which could potentially subject all plan members to severe federal tax consequences.

The IRS regulations define a CODA as any **direct or indirect election** (or modification of an earlier election) by an employee to have the employer either: (i) **provide an amount to the employee in the form of cash (or some other taxable benefit)** that is not currently available, or (ii) **contribute an amount to a trust or provide an accrual or other benefit, under a plan deferring the receipt of compensation.**

Subject to an exception to this rule that permits certain one-time irrevocable elections by new employees, these regulations essentially **preclude any arrangement that directly or indirectly permits any plan member/employee from having a choice between receiving taxable compensation (e.g., cash) or receiving a pension contribution or the accrual of a pension benefit.**

The following example, which is based on the facts of two recent IRS private letter rulings (i.e., IRS PLR 201351030 and IRS PLR 201532036) illustrates the application of an impermissible CODA. Assume a governmental employer maintains two qualified retirement plans: a defined benefit plan (“DBP”) and a defined contribution plan (“DCP”).

Both Plans require mandatory employee contributions, which are made on a pre-tax basis pursuant to IRC § 414(h)(2) **and are therefore, treated as “employer contributions”**. The mandatory employee contribution rate is 8% of compensation in the DBP and 3% of compensation in the DCP. The Employer wanted to permit existing members of the DBP to elect to cease participation in that Plan and commence participation in the DCP.

Any problems with this approach? **Yes, the IRS would view this election as an impermissible CODA!** Each DBP member electing to participate in the DCP would immediately receive additional cash compensation equal to the difference between the 8% contribution rate in the DBP and the 3% contribution rate in the DCP.

Since these mandatory contributions are treated as “employer contributions” pursuant to IRC § 414(h)(2), this arrangement would impermissibly permit a DBP member to elect to receive additional cash compensation (via his/her decision to participate in the DCP and discontinue participation in the DBP) in lieu of having the higher pre-tax contribution made to the DBP.

Although these IRS private letter rulings involve participant elections between different types of retirement plans, **the underlying principles are not limited to these situations. In other words, an impermissible CODA may be present in various situations.** The following illustrates certain situations that we have seen impermissible CODAs occurring in Chapter 175 and 185 plans.

The Florida Statutes specifically permit police and fire chiefs to elect not to participate in Chapter 175 and 185 pension plans. **However, if this election permits the chief to receive additional cash compensation (or some other taxable benefit), an impermissible CODA exists!**

For example, assume a local law Chapter 185 plan that requires a 5% mandatory, pre-tax employee contribution permits the Police Chief to elect not to participate. **In this situation, if the existing Police Chief elects out of the Plan, his/her cash compensation will immediately increase by the amount of the 5% employee contribution that is no longer required, resulting in an impermissible CODA.**



**HOW CAN YOU AVOID THIS
DEFECT?**

If the existing Police Chief commences participation in another qualified retirement plan (e.g., a defined contribution plan maintained by the City) that requires a mandatory, pre-tax 5% employee contribution immediately after he/she elects out of the Chapter 185 plan, **an impermissible CODA does not exist as long as the Police Chief's cash compensation does not increase due to his/her election out.**

If the City wants to provide the Chief additional compensation because of his/her election out of the Chapter 185 plan, it should be done via additional employer contributions to another qualified retirement plan (e.g., a defined contribution plan maintained by the City).



**DOES IT MAKE A DIFFERENCE IF
THE POLICE CHIEF IS A NEWLY
HIRED EMPLOYEE (AS OPPOSED
TO AN EXISTING EMPLOYEE)?**

Yes, if the new Police Chief makes a one-time, irrevocable election not to participate in the Chapter 185 plan (for the duration of his/her employment) before he/she becomes eligible to participate in that plan, **the IRS regulations specifically state that such election is not an impermissible CODA.** This is the only so-called “safe-harbor” exception to this rule.

**WHAT OTHER TYPES OF
SITUATIONS CAUSE POTENTIAL
CODA ISSUES IN CHAPTER 175
OR 185 PLANS?**



Another situation we have seen on numerous occasions that cause CODA concerns occurs when the plan sponsor (e.g., the City) contributes **the value of a member's unused accumulated leave to his/her DROP account (or similar account) in the pension plan.**

Many cities permit the accumulation of various types of unused leave that are paid to the employee in one lump sum at certain specified times (e.g., retirement, entering DROP, etc.). However, over the years, many Chapter 175 and 185 plans began requiring employer contributions of these amounts to the member's DROP account (or similar account) in lieu of paying such amounts in cash.

This approach is permissible as long as the arrangement is specified in the Plan in a manner satisfying the definitely determinable requirement and **the member no longer has the option to receive these amounts in cash** (whether pursuant to the terms of the Plan, the collective bargaining agreement(s), or the City's personnel policies).

For example, assume that a Chapter 175 plan requires an employer contribution equal to the value of a member's unused, accumulated sick and vacation leave to his/her DROP account at the time of entering DROP. However, if the member does not participate in DROP, he/she is entitled to a lump sum cash payment of the value of this leave after termination of employment (via the City's personnel policies).

The IRS believes this approach constitutes an impermissible CODA because the member has the option to receive an employer contribution to his/her DROP account (by electing to enter DROP) equal to the value of his/her unused, accumulated sick and vacation leave or to receive a lump sum cash payment of this amount upon termination of employment (via his/her decision to not enter DROP)!

**HOW CAN YOU AVOID THIS
RESULT?**



The resolution of this situation requires a coordinated effort between the city, the pension board and the union. However, this problem can be prospectively resolved on one of two ways:

Either (i) amend the Chapter 175 plan to permit each non-DROP member to receive an employer contribution equal to the value of his/her unused, accumulated sick and vacation leave at termination of employment (in lieu of the lump sum cash payment) or (ii) amend the Chapter 185 plan by eliminating the accumulated leave employer contribution to DROP members upon entering DROP.

QUESTIONS

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46th Annual Police Officers' & Firefighters' Pension Conference

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Pedro Herrera, a Partner at Sugarman & Susskind with over 12 years of experience, received his bachelor's degree summa cum laude from University of Miami in 2000. In 2003 he graduated cum laude from the University of Pennsylvania Law School. While attending UPenn he also completed coursework and received a Certificate in Business and Public Policy from the Wharton School of Business. Pedro has focused his practice on municipal pension funds for well over a decade. He has achieved an "AV Preeminent" rating, or top rating, from Martindale-Hubbell.

Mr. Herrera has been selected to speak before many organizations including, the State of Florida Division of Retirement, the Florida Public Pension Trustees' Association ("FPPTA"), The Institute for Law and Economic Policy, the Florida Government Finance Officers Association, the Harvard Trustee Leadership Forum for Retirement Security and the Florida Professional Firefighters (FPF). Most recently, Pedro joined the faculty of the International Foundation of Employee Benefit Plans' (IFEBC) Certificate of Achievement in Public Plan Policy (CAPP) certification program. In October 2015, he taught the Legislative and Regulatory Development Course to pension plan professionals and trustees in Providence, RI. His knowledge and expertise garnered at Wharton provide unique insight and ability to successfully negotiate and secure service provider contracts, investment policies, investment management agreements, and alternative investment vehicle subscriptions.

Mr. Herrera is active in the Miami community where he serves on the Board of Directors for the Coral Gables Bar Association as well as being an active member of the Cuban American Bar Association. He serves as Chairman on the Board of Directors for the Peace Education Foundation, a not-for-profit organization which strives to educate children and adults on the dynamics of conflict resolution. Pedro also volunteers his time working with Amigos for Kids, an organization providing opportunities for at-risk and impoverished youth in the greater Miami community.

Note: The opinions and materials presented are those of the individual speakers and do not necessarily represent those of the Department of Management Services.

MUNICIPAL
& POLICE OFFICERS'
FIREFIGHTERS'
Retirement Trust Funds Office

Forfeiture of Public Pension Benefits

46th Annual Police Officers and Firefighters'
Pension Trustees' Conference
November 2-4, 2016

By: Pedro Herrera
SUGARMAN & SUSSKIND, P.A.

Florida Constitution and Florida Statutes

SECTION 8. **Ethics in government.**--A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

STATUTE: § 112.3173, Florida Statutes:

“Any public officer or employee who is convicted of a specified offense committed prior to retirement, or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.”

Specified Offenses

- Committing, aiding, or abetting of an embezzlement of public funds;
- Committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;
- Bribery in connection with the employment of a public officer or employee;
- Any felony specified in chapter 838 [*bribery and corruption crimes*], except ss. 838.15 and 838.16 [*i.e., commercial bribery*]
- Committing of an impeachable offense [*i.e., elected officials*]
- The “catch-all” [*more on that later*]
- Committing [...] of any felony defined in s. 800.04 [*i.e., lewdness and indecent exposure*] against a victim younger than 16 years of age, or any felony defined in chapter 794 [*i.e., sexual battery*] against a victim younger than 18 years of age, by a public officer or employee **through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.**

The Catch-All Specified Offense

- *“The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position”*
- Five elements - break it down:
 - Commission of **any felony**
 - By a public employee or public officer
 - Willfully and with intent to defraud the public or the employee’s public employer of the right to receive the faithful performance of the employee’s duty
 - To obtain a profit, gain, or advantage for the employee or some other person
 - Through use or attempted use of the power, rights, privileges, duties, or position of the public employee’s employment

Conviction

- Defined in Florida Statutes § 112.3173(2)(a):
- “Conviction” and “convicted” mean:
 - [1] an adjudication of guilt by a court of competent jurisdiction;
 - [2] a plea of guilty or of nolo contendere;
 - [3] a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; **or**
 - [4] a conviction by the Senate of an impeachable offense.
- Felony defined as a crime **punishable** by one or more years in a state penitentiary.

Termination + Admission

- A conviction is not the only thing that can trigger a forfeitable offense. A forfeiture may be triggered if someone's "office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense
- Termination + Admission + Specified Offense = Forfeiture

When Does Forfeiture Begin?

- Florida Statutes, § 112.3173(5)(a):
- “Whenever the official or board responsible for paying benefits under a public retirement system **receives notice pursuant to subsection (4), or otherwise has reason to believe** that the rights and privileges of any person under such system are required to be forfeited under this section, such official or board **shall give notice and hold a hearing in accordance with chapter 120** for the purpose of determining whether such rights and privileges are required to be forfeited. If the official or board determines that such rights and privileges are required to be forfeited, the official or board shall order such rights and privileges forfeited.”
- Two triggers:
 - Receipt of notice from the Commission on Ethics [*unlikely*], or
 - Any reason to believe [*usually word of mouth or local news*]

Forfeiture Hearing

- Key: **Due process and an opportunity to be heard**
- Chapter 120 standards
- Notice of Proposed Agency Action
- Special counsel to “prosecute” the forfeiture
- The hearing (opportunity to present evidence, witnesses, and the opportunity to cross-examine)
- Keeping a record of the hearing (court reporting or tape recording—some means to produce a transcript)
- Final Order
- Possibility of appeal
- **Optional:** Division of Administrative Hearings

Recovery of Forfeited Benefits

- Forfeiture statute provides that forfeited benefits that have already been paid must be paid back to the retirement system.
- If a forfeited pension is not paid back to the retirement system, the board of trustees **may** bring an action in circuit court to recover such amount, plus court costs.
- What about benefits payable pending forfeiture determinations? Authority to suspend benefits?
- Attorney's fees

FORFEITURE CHECKLIST

- Is the Board of Trustees aware of the conviction or termination, either from
 - a notice received from the Florida Commission on Ethics, or
 - having reason to believe that benefits are required to be forfeited?
- Does member have a vested benefit?
- Was member convicted or terminated?
 - If *convicted*, was it by:
 - adjudication of guilt, or
 - guilty or nolo plea, or
 - jury guilty verdict
 - If *terminated*:
 - was it due to a *specified offense* and
 - did member *admit* it
- Was conviction or termination due to a ***specified offense***?
 - embezzlement of public funds, or
 - theft from member's public employer, or
 - bribery in connection with employment, or
 - Chapter 838 felony, or any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

- Did the Board?
 - give the member notice of the forfeiture proceedings, and
 - hold a hearing, and
 - determine whether benefits should be forfeited, and, if so
 - enter an order forfeiting benefits
- If forfeiture ordered?
 - determine if any benefits paid out in excess of accumulated contributions, if so
 - demand payment of excess amount from member
 - If not paid, consider legal action

SB 172 (2015)

- New rules for use of insurance premium tax revenues
- Effective with the first CBA entered on or after July 1, 2015
- Establishes rules for how premium tax revenues shall be applied (the “default”)
- Establishes rules for deviating from the default
- Requires the creation of defined contribution plan components even if they might never be funded

Default Scheme

- Base premium tax revenues must be used to fund Chapter 175/185 minimum benefits or benefits in excess of minimums.
 - “Base premium tax revenue” is defined, for plans created before October 1, 2003, as the premium tax revenue received in 2002 (and distributed in 2003). For plans created between October 1, 2003 and March 15, 2015, “base premium tax revenue” is defined as the revenues collected in the second year of the plan’s participation in Chapter 175/185.
- Premium tax revenues over the 2002 amount but below the 2012 amount must be used to fund benefits in excess of minimum benefits.
- Premium tax revenues over the 2012 amount must be equally divided between funding minimum benefits and funding the DC plan component.
- Any accumulation of premium tax revenues that exceeds the amount necessary to fund minimum benefits shall be equally divided between funding the DC plan component and reducing the unfunded actuarial liability of the plan.
- For plans created after March 1, 2015, premium tax revenues must be equally divided between funding DB benefits and funding DC benefits

Deviation from Default Scheme

- The default may be modified by “mutual consent.”
- “Mutual consent” means, for collectively bargained plans, a collective bargaining agreement or MOU. For non-collectively bargained plans, “mutual consent” means approval by the majority of plan members
- Mutual consent should be documented
- Deviation by mutual consent can include using all premium tax revenues to reduce unfunded liability, to fund special benefits, or a mix of both
- The plan must contain a written DC plan component even if it never receives any funding
- Plans with existing share plans are deemed to have “mutual consent.”

Chapter Minimum Benefits

- SB 172 changes minimum benefits.
- New minimum benefit multiplier: 2.75%
- Plans with lower multipliers may keep the lower multiplier, but if they raise it in the future, they can never return to the lower multiplier.

46th Annual Police Officers' & Firefighters' Pension Conference

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Sarah Carr is the Benefits Administrator for the Municipal Police Officers' and Firefighters' Retirement Trust Fund Office of the Florida Division of Retirement.

We oversee daily monitoring for actuarial soundness, statutory compliance of Chapters 175 and 185, and distribution of premium tax money's for the firefighters' and police officers' retirement plans. We also offer training opportunities to inform the public regarding the pension programs under Chapters 175 and 185.

INSTRUCTIONS:

1. Each retirement plan must provide to the Division of Retirement the name and email address of the contact person who will be responsible for filing the next Annual Report. The Division of Retirement will create an online account for that person. The contact person will receive an email with the User ID and default Password, and a link to the online portal. The contact person should change this default password at the earliest opportunity.
2. From the online portal website, select “Log In” from the menu and sign in with the provided User ID and current Password.
3. Select “Police and Fire” from the menu on the left of the screen.
4. Once logged in, plan(s) which have been associated with your username will be listed in the drop-down box. If the correct plan(s) is not listed, please contact Local Retirement at 850-922-0667.
5. Select the plan for the report being filed and click the “Select Plan” button.
6. Click “Start New Police and Fire Report” or select the report to be viewed or revised.
7. Complete the “Plan and Contacts” page. If you wish to provide additional information or description for the item(s) in this section, please use the “Notes” box at the bottom of the screen.
8. Complete the “Board, Ordinances, and Plan Details” page.
 - a. When completing “Board Members” and “Ordinances” you must click “Add” to save the entered information for each data name or ordinance. Clicking “Add” will also create a new data box if you need to add another.
 - b. Use the drop down box to select dates.
9. Complete “Third Party Contacts” page. Use “Notes” at the bottom to provide additional information.
10. Download the templates for each Member Data page (Pension Data, Terminations Data, Statistical Exhibit(s), DROP Plan and Share Plan Rollforward schedules). The templates must be used to submit these pages of the report. You may bypass any pages that are no applicable to your plan.
 - a. The template fields use a specific data format for each field. If the information on the template is in an incorrect format, the file will not upload and you will receive a message stating the error and the line on which the error occurred.
 - b. When you have entered the data in Microsoft Excel and saved the template, select “Browse...” to locate the file and click “Open”. After selecting the file click “Validate File” to upload. The system will populate the on-screen form with the data from the file.

Note, if the data contains an error, you may not edit the data in the on-screen form. Corrections will have to be made to the spreadsheet and the file must be re-uploaded.

- c. Under "Pension Data" complete the Disability Categories
11. For the "Plan Financials and Insurance" section, complete the Assets, Liabilities, Revenue and Expenditures pages.
 - a. Grayed boxes will be auto-filled.
 - b. You must select "Add" to save your record and generate a new box for further additions.
 12. Complete "Fund Totals" page.
 - a. Grayed boxes will be auto-filled.
 - b. "Fund Balance Beginning of Year" must equal to "Fund Balance as of Plan Year End Date" from the prior year's annual report. The page will not allow you to "Save and Continue" until these figures match.
 13. Complete the "Investment Compliance" page.
 14. If applicable, complete "Investment Compliance" page.
 - a. Download form for completion.
 - b. Upload to attach the file.
 15. If there are any letters, notes, reports or other documents which you would like to append to this report, please upload them on the "Supporting Documents" page.
 16. Once the report is completed and ready to submit to the Division of Retirement, select "Save and Submit".

Welcome (/main.aspx)
My Account
Profile Settings (/personal/profile_settings.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
Local Retirement
File Submit (/local_retirement/file_submit.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
Reports Summary (/local_retirement/reports_summary.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
Actuarial Valuations (/local_retirement/ActuarialValuations.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
Police and Fire (/local_retirement/PoliceAndFire.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
FRS Home (http://frs.myflorida.com/)
F.A.Q. (/faq/view_faq_pdf.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
Forms (http://dms.myflorida.com/humanresources)
Contact Us (/contact/contact_info.aspx?s=STgtvezhnq53tvBw9APZBUJ1bv4ktvRUI.)
Log Out (/logout.aspx)

Global Navigation:

- Plan Details
- Member Data
- Plan Financials and Insurance
- Supporting Documents

Plan Name: City of Apopka Municipal Police Officers' Retirement Trust Fund

Plan And Contacts

Welcome to the electronic annual Police and Fire Report submission portal. Complete the fields below to begin your submission. Please note that information provided in this report is public record.

Plan

Name of Fund

Apopka

City

Apopka

For Plan Year Ending

09/30/2016

Plan Contacts

The chairman and secretary must be members of the board of trustees.

Chairman
Name

John Smith

Address Line 1

Save and Continue

Address Line 2

Apopka

City

123 ABC St

Zip

32703

Phone (format: 999-999-9999)

999-999-9999

Email

jsmith@apopkajunkmail.com

Secretary
Name

Jim Smith

Address Line 1

123 ABC St

Address Line 2

City

Apopka

Zip

32703

Save and Continue

Phone (format: 999-999-9999)

999-999-9999

Email

jmsmith@apopkajunkmail.com

Plan Contact Person

The Municipal Police Officersâ€™ and Firefightersâ€™ Retirement Trust Funds Office will contact the person listed below for additional information and/or corrections regarding the Annual Report. Please note that this person will be the primary liaison between the division and your pension fund. This person will be responsible for coordinating all responses to the divisionâ€™s requests for further information. Please help us reduce our operating cost by listing the e-mail address for the contact person.

Name

Jill Smith

Title

Plan Administrator

Address Line 1

123 ABC St

Address Line 2

City

Apopka

Zip

32703

Phone (format: 999-999-9999)

999-999-9999
Save and Continue

Welcome (/main.aspx)

My Account

Profile Settings
(/personal/profile_settings.aspx? s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirsZ

Local Retirement

File Submit
(/local_retirement/file_submit. s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirsZ

Reports Summary
(/local_retirement/reports_sun s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirsZ

Actuarial Valuations
(/local_retirement/ActuarialVa s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirsZ

Police and Fire
(/local_retirement/PoliceAnd s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirl

FRS Home
(http://frs.myflorida.com/)

F.A.Q. (/faq/view_faq_pdf.aspx? s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirsZDl

Forms
(http://dms.myflorida.com/huma

Contact Us
(/contact/contact_info.aspx? s=O_gk3M02Fr8-ijociRBW6jeJA5C6Q2uEMqvirsZDl

Log Out (/logout.aspx)

Global Navigation:

Plan Details

Member Data

Plan Financials and Insurance

Supporting Documents

Plan Name: City of Apopka Municipal Police Officers' Retirement Trust Fund

Board, Ordinances, and Plan Details

Board of Trustees

Makeup of board specified in:

Ordinance Number

ABCDEF

Section

Areav 54

Dated

09/15/2014

Board Members

Name of Trustee	Elected/Appointed By	
Albert Appke	City/District Appointee	Delete
Barry Banana	City/District Appointee	Delete
Chris Celery	Police Officer	Delete
Daniel Dill	Police Officer	Delete
Elvis Elderberry	Elected Fifth Member	Delete

Save and Go Back

Save and Continue

Name of Trustee

Elected/Appointed By

City/District Appointee

▼

Add

Quarterly Meetings

Quarter 1 Meeting Date

01/14/2016

Quarter 2 Meeting Date

04/19/2016

Quarter 3 Meeting Date

07/06/2016

Quarter 4 Meeting Date

09/20/2016

Ordinances

List all ordinances passed during this reporting period that affect your pension fund. An impact statement must be performed for each new ordinance. Any ordinance having no actuarial impact upon the plan must have a letter from your actuary attesting to this fact. Please upload supplemental documents if they have not been previously submitted to the department.

Ordinance Number		Date Passed	
2016-123	Save and Go Back	4/12/2016	Delete

2016-ABC	9/21/2016	Delete
Ordinance Number		
Date Passed		
		Add

Chapter Funds Only (Premium Tax Monies)
List any benefit improvements implemented during this reporting period and the date effective.

Ordinance Number
Date Passed
Add

Miscellaneous Plan Details

Chapter Minimum Benefits

Does the plan meet all the chapter minimum benefits and standards as of July 1, 2015?

☒ Save and Go Back

☐ Save and Continue

Collective Bargaining Agreement

Is service in the plan subject to a collective bargaining agreement?

☒ Yes ☐ No

Effective Date

09/30/2016

Period Covered Begin Date

10/01/2016

Period Covered End Date

09/30/2019

Next Scheduled Date

10/01/2020

Defined Contribution Plan

Does the plan have a defined contribution plan?

☒ Yes ☐ No

Date Established

10/01/2016

Detailed Accounting Report

Has the plan submitted a detailed accounting report for this filing?

☒ Yes ☐ No

Date provided to plan

Administrative Expense Budget

Did the plan operate under Administrative Expense Budget?

☒ Yes ☐ No

Date provided to plan

Save and Go Back

Save and Continue

Welcome (/main.aspx)

My Account

Profile Settings (/personal/profile_settings.aspx?s=EiCXRvqjRNe4Vqw78mF4o3SU

Local Retirement

File Submit (/local_retirement/file_submit.s=EiCXRvqjRNe4Vqw78mF4o3SU

Reports Summary (/local_retirement/reports_sun s=EiCXRvqjRNe4Vqw78mF4o3SU

Actuarial Valuations (/local_retirement/ActuarialVa s=EiCXRvqjRNe4Vqw78mF4o3SU

Police and Fire (/local_retirement/PoliceAnd s=EiCXRvqjRNe4Vqw78mF4o3!

FRS Home (http://frs.myflorida.com/)

F.A.Q. (/faq/view_faq_pdf.aspx?s=EiCXRvqjRNe4Vqw78mF4o3SUu6

Forms (http://dms.myflorida.com/hum

Contact Us (/contact/contact_info.aspx?s=EiCXRvqjRNe4Vqw78mF4o3SUu6

Log Out (/logout.aspx)

Global Navigation:

Plan Details

Member Data

Plan Financials and Insurance

Supporting Documents

Plan Name: City of Apopka Municipal Police Officers' Retirement Trust Fund

Member Data

Pension Data - Police Members

Upload your pension data line items file by clicking the upload file button below and then clicking the validate file button. Validating files can take several minutes, do not close or refresh your browser.

Download a copy of the pension data file upload template [here](#).

Choose File

No file chosen

Validate File

Social Security Number	First Name	Last Name	Date Of Birth	Retire or Disability	Benefit Type	Date of Disbursements	Name of Beneficiary	Pension Option Elected	Monthly Pension Amount	Total Distributions This Period	Notes
6789	Greg	Grape	07/1977	Retirement	LOD	9/30/2016	Bingley	1	4,000.00	48,000.00	
6321	Carl	Carrot	03/1973	Terminated Vested	NLOD	9/30/2012	Elizabeth	3A	2,000.00	24,000.00	
4789	David	Date	04/1974	Retirement	LOD	9/30/2013	Kitty	2	2,500.00	30,000.00	
4123	Edward	Elderberry	05/1975	Disability	LOD	9/30/2014	Lydia	3B	3,000.00	36,000.00	
4987	Frank	Fig	06/1976	Terminated Vested	NLOD	9/30/2015	Georgianna	4	3,500.00	42,000.00	
6789	Albert	Apple	01/1971	Retirement	NLOD	9/30/2010	Mary	1	1,000.00	12,000.00	
4321	Benny	Berry	02/1972	Disability	LOD	9/30/2011	Jane	2	1,500.00	18,000.00	

Data Summary Total Number of Members on this report: 7

Save and Continue

Disability Categories

For members listed as disabled please enter the counts below of members with the given disability type.

Heart Disease

Hypertension

Emphysema

Injury

Cancer

Other

Total

Subtotals

Retirement

Disability

Beneficiary

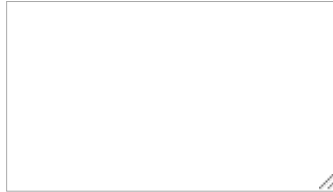
[Save and Continue](#)

Grand Total

210,000.00

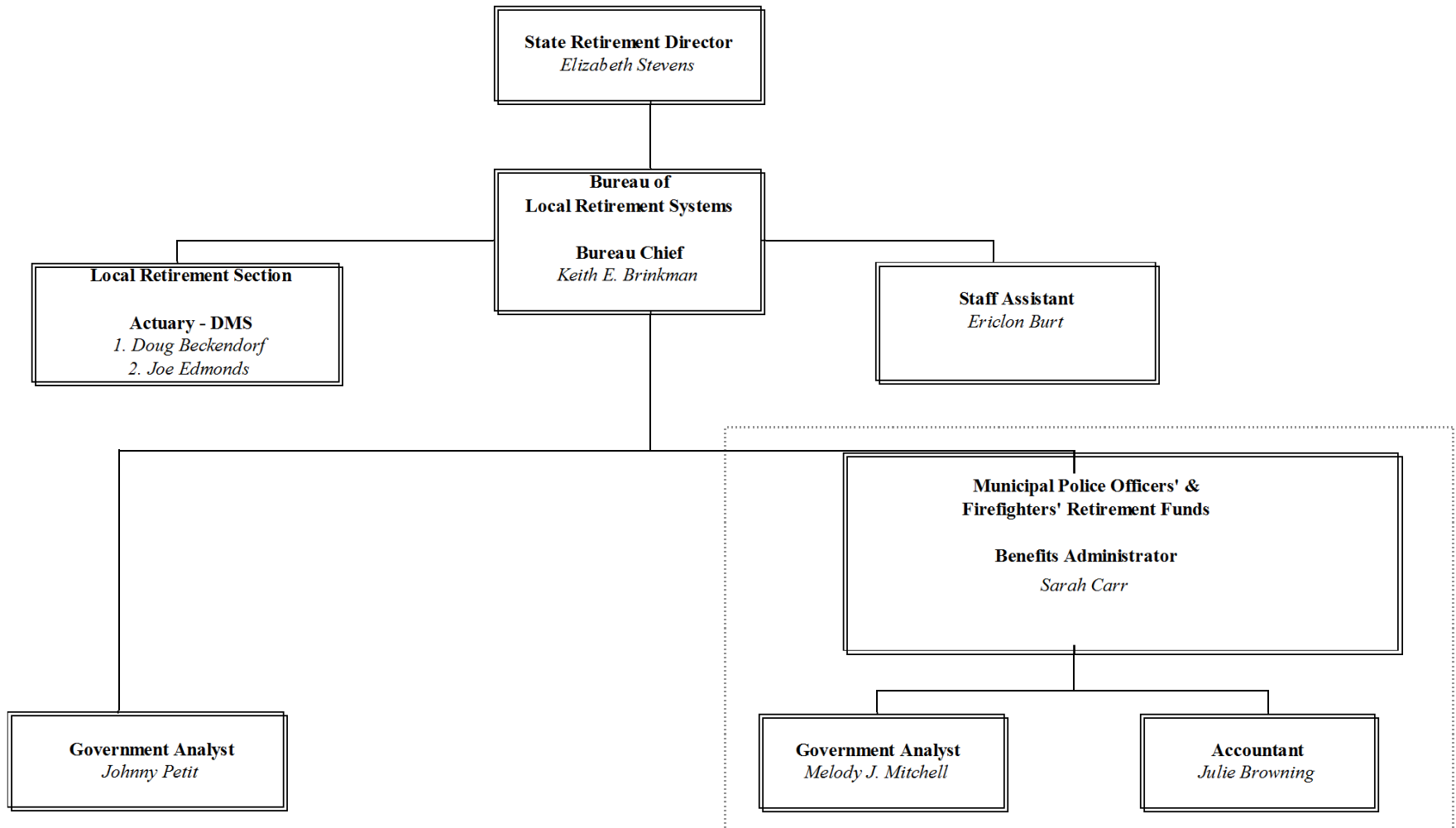
Notes

Use the following text area to add any notes about the above fields.

A rectangular text area with a thin border and a small cursor icon in the bottom right corner, intended for entering notes.

Save and Continue

Bureau of Local Retirement Systems Organization Chart



Division of Retirement

Contact Sheet

Elizabeth Stevens, Director

DIVISION OF RETIREMENT

POST OFFICE BOX 9000

TALLAHASSEE, FL 32315-9000

E-mail dan.drake@dms.myflorida.com

Toll Free (866) RET - ADMN (866 - 738 - 2366)

Local (850) 488-5540

Fax (850) 921-0371

Keith Brinkman, Chief

Bureau of Local Retirement Systems

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Toll Free (877) RET - LOCAL (877 - 738 - 5622)

Local (850) 488 - 2784

Fax (850) 921 - 2161

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Bureau of Local Retirement Systems

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Local (850) 488 - 2784

Fax (850) 921 - 2161

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Bureau of Local Retirement Systems

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Local (850) 488 - 2784

Fax (850) 921 - 2161

Sarah Carr, Benefits Administrator

Municipal Police Officers' and Firefighters'

Retirement Trust Funds Office

DIVISION OF RETIREMENT

POST OFFICE BOX 3010

TALLAHASSEE, FL 32315-3010

E-mail mpf@dms.myflorida.com

Website <http://www.myflorida.com/frs/mpf>

Toll Free (877) RET - MPFP (877 - 738 - 6737)

Local (850) 922 - 0667

Fax (850) 921 - 2161

Brief History Of 175/185 Pension Systems

Sections 175.021 and 185.01, Florida Statutes, proclaim the vital function that police officers and firefighters provide on behalf of the public for both their local communities and the State of Florida.

In establishing these two chapters, the legislature declared, that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters and police officers and that such retirement systems or plans be managed, administered, operated, and funded in such a manner as to maximize the protection of the Municipal Police Officers' Retirement Trust Funds and the Firefighters' Pension Trust Funds.

Sections 175.341 and 185.23, Florida Statutes, provide that the Division of Retirement shall be responsible for the daily oversight and monitoring for actuarial soundness of the plans, for receiving and holding the premium tax moneys collected, and upon determining compliance with the provisions of these chapters, for disbursing those moneys to the Firefighters' and Police Officers' Retirement Plans.

Within the Division of Retirement, the responsibility for the aforementioned, has been delegated to the Municipal Police Officers' and Firefighters' Retirement Trust Funds (MPF) Office.

The MPF Office monitors and oversees municipal or special fire control district retirement plans. The major responsibilities are:

- ❖ Review of plan documents, actuarial cost statement and annual reports to determine compliance with the minimum benefits and standards of Chapters 175 and 185, Florida Statutes;
- ❖ Distribute premium tax moneys by July 1 of each year to eligible cities and districts, and;
- ❖ Provide support and assistance to cities and fire districts regarding Chapters 175 and 185, F.S., through correspondence, website updates, the annual Pension Trustees' Conference and Trustees' School.

Brief History of 175/185 Pension Systems

1939 - Municipal Firefighters' Pension Fund created by Chapter 19112, Laws of Florida.

1953 - Municipal Police Officers' Pension Fund created by Chapter 28230, Laws of Florida,

Brief History Of 175/185 Pension Systems

Municipalities were required to certify to the Department of Insurance that their city complied with Sections 175.041 and 185.03, Florida Statutes by having an organized fire or police department which owned or used equipment valued at a specified dollar amount. Upon receipt of certification, the Department of Insurance remitted premium taxes.

- 1957 - Legislature directed the Department of Insurance to conduct a survey of the various plans to determine if state moneys were being used properly and if plans were operated on an actuarially sound basis. The survey pointed out that many plans were not actuarially sound and the state moneys were not being used properly.
- 1959 - The Legislature gave the cities until July 1, 1964, to comply with the state statutes pertaining to minimum funding in order to continue receiving state premium tax moneys. Major changes were made in the law to require that the plans be funded on an actuarially sound basis and that the cities report annually to the Department of Insurance to ensure that plan funding was maintained on a current basis.
- 1963 - Completely revised Ch. 175 (superseded older version). Defined AFC as average of "10 best contributing years of last 15 years". Clarified benefits not subject to execution, attachment, assignment. Specified that certain sections were applicable to all cities, and that the rest were only applicable to cities not already having a 175 plan. Otherwise, revised provisions to essentially match police plans.
- 1986 - Minimum benefit levels were raised. The MPF Office is required to monitor benefit improvements as "state moneys are adequate to provide", and to make sure all cities comply.
- 1988 - Sections 175.101 and 185.08 were amended to change the amount premium tax levied from 2% to 1.85% for Fire and from 1% to 0.85% for Police.
- 1992 - Legislature provides that ½ of the increase in state premium tax moneys provided under Chapters 175 and 185, Florida Statutes, may be used to establish a Retiree Health Insurance Subsidy Trust Fund. The MPF Office was given additional duties that

Brief History Of 175/185 Pension Systems

included reviewing annual reports and plan documents to determine compliance with chapter provisions and eligibility for state premium tax moneys.

- 1993 - The MPF Office, along with all existing duties and responsibilities, transferred to the Division of Retirement. In addition, oversight is extended to the Special Independent Fire Districts that are now eligible to participate under Chapter 175, Florida Statutes. The MPF Office was also given the responsibility of identifying for the Department of Revenue those municipalities and special fire control districts that are eligible for a redistribution of moneys transferred to the Supplemental Compensation Fund as provided in s. 633.382 (4)(c)2, Florida Statutes.
- 1995 - Legislation passes which transfers all Chapter 175 and 185 premium tax moneys from the Insurance Commissioner's Regulatory Trust Fund (Department of Insurance) to the Division of Retirement; thus all aspects of administering Chapters 175 and 185, are once again housed within one state agency, the Division of Retirement. Additionally, cities and special districts are allowed to revoke their election to participate in the Florida Retirement System. Any city or fire district that chooses to opt out is required to provide a retirement plan for its police officers and firefighters hired after January 1, 1996, that meets or exceeds the "Chapter" plan benefits under Chapters 175 and 185, Florida Statutes.
- 1998 - Legislation passes amending and revising the provisions of ss. 175.071, and 185.06, Florida Statutes, related to the general powers and duties of the board of trustees to require that all plans have a performance evaluation of their professional money managers and revised the investment provisions providing greater investment latitude and including a provision allowing the board to invest up to 10% of the plan assets in foreign securities.
- 1999 - Legislation passes amending and revising the provisions of Chapters 175 and 185, F.S., for the primary purpose of providing for the uniform application of minimum benefits and standards to all police and fire pension plans receiving funding from the State. In addition to general clarification of the statutory provisions, the legislation defines "Chapter plans" and "local law plans", clarifies terminology relating to "sole and exclusive" use of premium tax funds and "extra benefits", dissolves general plans,

Brief History Of 175/185 Pension Systems

except for a "supplemental plan municipality", and provides for transfer of assets to a police or fire only plan or a combined police and fire plan.

2002 - Legislation passes amending the provisions of Chapters 175 and 185 with regard to the makeup of the board of trustees and the plan's termination for closed plans only.

2004 - Provides a short title in memory of Marvin B. Clayton, former Bureau Chief of the Municipal Police Officers' and Firefighters' Pension Office and steadfast advocate for police officers and firefighters; provides for the establishment of a premium tax database by the Department of Revenue beginning with the 2005 calendar year; includes a clarification that the increases in state premium tax revenues over and above the amount collected for the calendar year 1997, are to be used first to meet the minimums and then to be used for "extra benefits" over and above those provided to general employees and in addition to those in existence for firefighters and police officers on March 12, 1999 (the effective date of Chapter 99-1, Laws of Florida); and adds a provision allowing retirees to provide authorization to the Board to make certain deductions from his monthly pension check.

2005 - Amends ss. 175.041 and 175.101, allowing municipalities that have entered into an interlocal agreement to provide fire protection services to a neighboring municipality to be eligible to receive the neighboring city's state premium tax moneys as long as the interlocal agreement is in place. The municipality receiving the fire protection services must pass an ordinance levying the premium tax and a copy of the interlocal agreement and levying ordinance must be provided to the Division.

2009 - Amends ss. 175.032(4)(c), and 185.02(5)(c), to expand the definition of "credited service" to allow municipalities/districts the option to allow for the purchase of prior service for federal, other state, or county service as a firefighter/police officer. Amends ss. 175.061 and 185.50, to allow the municipality/district to expand the terms of office of the board members from two to four years. Amends ss. 175.071 and 185.06, to expand the foreign investment restriction from 10% to 25%. Requires the boards to identify and report any scrutinized investments. Amends ss. 175.171 and 185.161, to clarify that the member may change his joint annuitant or beneficiary up to two times after beginning receipt of pension payments

Brief History Of 175/185 Pension Systems

2011 - Amends ss. 175.032(3) and 185.02(4), the definition of salary to specify that after the effective date, the plan may include up to 300 hours of overtime, but for service earned after the effective date, excludes overtime in excess of 300 hours, and excludes any payments for accrued unused sick or annual leave. Allows plans with 40% or higher representation of employee members to change the designated City resident appointee to any resident appointee. Allows the employees' contributions to be increased by consent of the members' collective bargaining agent, or if none, by majority consent of the members.

2015 – Amends ss. 175.032 and 185.02 to include the definitions of: additional premium tax revenue, base premium tax revenue, defined contribution plan, minimum benefits, minimum standards, special act plan and special benefits. Requires the board of trustees to provide a detailed accounting report to the plan sponsor and DMS and requires the board of trustees to operate under an administrative expense budget, which also must be submitted to the plan sponsor. Each report must be made available to members of the plan. Increases the minimum benefit multiplier from 2% to 2.75%. Provides a method of use for the premium tax moneys unless it is otherwise mutually consented upon by the members' collective bargaining representative (or majority of members) and the municipality of fire control district. Clarifies that minimum benefits and standards must be met as a condition to receipt of insurance premium tax revenues, with limited exceptions. Requires each participating plan to have a defined contribution plan to supplement the benefits provided in the base defined benefit pension plans. Creates an end date for the 2012 interpretation of the use of premium tax revenues, referred to as the "Naples letter".

FREQUENTLY ASKED QUESTIONS

1. **When a City/District passes the levying ordinance/resolution to participate under Chapters 175/185, does that place an additional tax on insurance companies...will insurance premiums go up to cover this cost?** No, ss. 175.141 and 185.12, state that the insurance companies receive a credit against their statewide excise tax. When a City/District passes the levying ordinance imposing the tax, it places a reporting requirement on the insurance companies so that they must report any premiums covering property within the corporate or fire district boundaries of the Chapters 175/185 cities/districts. It does not increase the premiums that the citizens pay on their casualty and/or property insurance policies, as the insurance companies pay the statewide excise tax whether your city/district participates in Chapters 175/185 or not.
2. **Are the Board members required to submit a Financial Disclosure Form?** Yes, s. 112.3145 requires that a “limited” disclosure Form 1 be filed by each board member of the plan. Appointed board members must file within 30 days of their appointment, candidates for popularly elected board member seats file at the same time they file their qualifying papers, and all board members file on or before each July 1 thereafter with the supervisor of elections of the county where they permanently reside (or with the supervisor in the county where their public agency is headquartered, only if the board member does not permanently reside in Florida). A final disclosure Form 1F must also be filed within 60 days of leaving office; however, filing Form 1F does not extinguish the requirement to file a Form 1 on or before July 1. There are significant “automatic” fines for not complying with these requirements. Form 1X is to be used for amending a filing. If you have any questions, contact your local supervisor of elections or you may contact the Commission on Ethics at (850) 488-7864 or the Commission’s Web site is: www.ethics.state.fl.us. Refer to the presentation labeled “Ethics” by Chris Anderson in your notebook.
3. **Can the retiree’s pension option be changed?** Prior to retirement, the member may change options. Once he retires, and receives his first check he may not change his option. (See ss. 175.171(3) or 185.161(3), F. S.)
4. **Can the retiree’s beneficiary or joint annuitant be changed?** Yes, before retiring, a police officer or firefighter may change his beneficiary as many times as he wishes by filing a new beneficiary designation form with the Board of Trustees. Upon retirement, the retiree may change his beneficiary as many times as he wishes. However, if he has chosen an optional joint & survivor form, he may change his joint annuitant up to two times by filing a notarized notice of such change with the Board. The Board shall adjust the member’s monthly benefit taking into consideration the new joint annuitant. The consent of the former beneficiary or joint annuitant is not needed and the retiree may change the beneficiary or joint annuitant even if the original beneficiary or joint annuitant is deceased. (See ss. 175.333(2)(a) or 185.341(2)(a), F. S.)
5. **When an officer or firefighter is not vested, how long can he leave his contributions in the plan?** Up to five years, pending the possibility of being rehired. (See 175.032(4)(b) or 185.02(5)(b), F. S.)
6. **What happens if he terminates and receives a refund of his contributions and is subsequently rehired?** If he wishes to receive credit for his prior years of service, he has 90 days to make a repayment of his contributions, plus interest, in order to receive credit for his prior years of service. (See 175.032(4)(a) or 185.02(5)(a), F. S.)

7. **How is military service treated?** If the police or firefighter is actively employed when he is called up or leaves for service in the military, then he receives credit for up to five years of time in the military. Employee contributions are not required and he must be eligible for reemployment under USERRA and return to work within one year from date of release from active service. (See 175.032(4)(d) or 185.02(5)(d), F. S.) A plan may be amended by local ordinance/resolution to allow for the purchase of military service rendered prior to employment if the City/District chooses. (See 175.032(4)(c) or 185.02(5)(c), F. S.).
8. **Are extensions granted by the Division for late annual reports?** No, the reports are reviewed as we receive them. The later we receive the report, the later it is reviewed. If there are unresolved issues, the distribution of premium tax moneys could be delayed. Chapter plan reports are due on or before February 1 each year and Local Law plan reports are due on or before March 15 each year. (See 175.261 or 185.221, F. S.)
9. **Are the Annual Report Instructions important?** Yes, please review these each year, as they are updated to reflect any changes in the annual report.
10. **Should the Board review the Annual Report?** Yes, ss. 175.061, 175.071, 175.162, 815.05, 185.06, and 185.221, F. S. provide that the Board of Trustees is solely and exclusively responsible for the administration and operation of the retirement trust fund and for the submission of the annual report to the Division of Retirement. The annual report should be reviewed by the Board at a regularly scheduled meeting prior to February 1 (for Chapter plans) and prior to March 15 (for Local Law plans) to determine if it accurately reflects the plan's activity during the reporting year. Upon approval by the Board, the Chairman and Secretary sign the report attesting to the fact that the information contained within and the attachments are correct and that to the best of their knowledge the plan is in compliance with the provisions of Chapters 175 and 185, F. S.
11. **What does the Board need to provide to the Division each year?**

Pursuant to Chapters 175 and 185, F. S., the Board must provide the following information to the Municipal Police Officers' and Firefighters' Retirement Trust Fund Office (**MPF Office – Patricia Shoemaker**): 1) an Annual Report with financial and statistical information about the plan. If the plan's assets exceed \$250,000, an independent audit performed by a Certified Public Accountant must also be provided along with the Annual Report (See 175.261 and 185.221, F. S.); 2) copies of the latest actuarial valuation (See 175.261(2)(b) and 185.221(2)(b), F. S.); 3) copies of any proposed changes to the plan along with an actuarial impact statement prior to the final reading, along with a final copy of the ordinance/resolution once it is approved by the council/commissioners (See 175.351(2) and 185.35(2), F. S.).

Pursuant to ss. 175.121(2) and 185.10(2), the pension plans must also comply with Part VII, of Chapter 112, F. S., therefore, the Board must also provide the following to the **Bureau of Local Retirement Systems – Keith E. Brinkman**: 1) copies of any proposed changes to the plan along with an actuarial impact statement prior to the final reading, along with a final copy of the ordinance/resolution once it is approved by the council/commissioners (See 112.63(3), F. S.); 2) at least once every three years, and as often as they are performed, the Board must provide a copy of the plan's actuarial valuation (See s. 112.63(2), F. S.); 3) a copy of its Summary Plan Description (SPD) on a biennial basis (See s. 112.66(1), F. S.); 4) a copy of its written investment policy (See s. 112.661(16), F. S.); 5) a statement along with each valuation concerning the total expected annual rate of return for the current year, for each of the next several years, and for the long term thereafter (See s. 112.661(9), F. S.).

12. **Can a DROP participant be elected as the “active” member on the Board of Trustees?** No, because ss. 175.032(14) and 185.02(13) state that DROP participants are considered retirees for “all purposes of the plan.” However, a plan may, by local ordinance, amend its plan provisions to allow DROP participants to be elected as the active member on the Board. It may not amend the plan to allow DROP participants to vote in the election unless, prior to January 1, 1997, the plan allowed retired police officers or firefighters to vote in such elections. (See ss. 175.061(1)(a) or 185.05(1)(a), F. S.).
13. **Can benefit improvements be provided to DROP participants?** No, as explained above, DROP participants are considered retirees for “all purposes of the plan.” However, benefit improvements can be made retroactive and include all “retirees” as of a date certain. If a retroactive benefit improvement is made, then both the DROP participant as well as the member who retired and actually terminated employment will be included.
14. **Can the consultant (performance evaluator) also perform the duties of the professional money manager?** No, ss. 175.071(6) and 185.06(5), require that the Board retain a professionally qualified independent consultant to evaluate the performance of the professional money managers. Such consultant is not to be associated in any manner with the money manager for the pension fund.
15. **How is the amount of the Firefighters’ Supplemental Distribution calculated?** See the sample Section 175.122 – Limitation of Disbursement calculation provided in the “Division Updates” material. This shows how the regular distribution is limited by the plan’s payroll amount. The Supplemental Distribution is made by the Department of Revenue on or before October 1 of each year and is a pro-rata distribution of the excess amount not needed to fund the educational incentive program. (See ss. 175.121 and 633.382(4)(c)2, F. S.).
16. **Can the Regular Distribution or the Supplemental Fire Distribution be accrued as a receivable?** No, unless the plan is approved by the Division of Retirement on or before September 30 (or December 30 for a plan that reports on a calendar year basis).
17. **Can employee contributions be increased without a comparable pension benefit improvement?** Yes, sections 175.091(2)(b) and 185.07(2)(b), were amended by Chapter 2011-216, Laws of Florida to allow employee contributions to be increased by consent of the members’ collective bargaining representative, or if none, by majority consent of the members of the fund, and removed the requirement that such increase must be for a greater benefit.

City	Police	Fire					
Altamonte Springs	LL	-			1		
Apopka	LL	LL			2		
Arcadia	LL	LL			3		
Atlantic Beach	LL	-			4		
Auburndale	LL	LL			5		
Aventura	LL	-			6		
Avon Park	LL	LL			7		
Bal Harbour Village	LL	-			8		
Bartow	LL	LL			9		
Bay Harbor Islands	LL	LL			10		
Belleair	LL	-			11		
Belleair Bluffs	-	LL			12		
Belleview	LL	-			13		
Boca Grande FCD	-	LL			14		
Boca Raton	LL	LL			15		
Bonita Springs FCD	-	LL			16		
Boynton Beach	LL	LL			17		
Bradenton	LL	LL			18		
Brooksville	LL	LL			19		
Bunnell	-	LL			20		
Cape Coral	LL	LL			21		
Casselberry	LL	LL			22		
Chattahoochee	-	Chapter			23		
Clearwater	LL	LL			24		
Clermont	LL	LL			25		
Cocoa	LL	LL			26		
Cocoa Beach	LL	LL			27		
Cooper City	LL	LL			28		
Coral Gables	LL	LL			29		
Coral Springs	LL	LL			30		
Crescent City	Chapter	Chapter			31		
Crestview	LL	LL			32		
Dade City	LL	LL			33		
Dania Beach	LL	LL			34		
Davie	LL	LL			35		
Daytona Beach	LL	LL			36		
Deerfield Beach	LL	LL			37		
Deland	LL	LL			38		
Delray Beach	LL	LL			39		
Deltona	-	LL			40		
Destin FCD	-	LL			41		
Dunedin	-	LL			42		
Dunellon	LL	LL			43		
East Lake Tarpon FCD	-	LL			44		
East Naples FCD	-	LL			45		
East Niceville FCD	-	Chapter			46		
Eatonville	Chapter	-			47		
Edgewater	LL	LL			48		
Englewood FCD	-	LL			49		
Esterio FCD	-	LL			50		
Eustis	LL	LL			51		
Fernandina Beach	LL	LL			52		
Flagler Beach	LL	LL			53		
Frostproof	LL	-			54		
Fruitland Park	-	Chapter			55		
Ft. Lauderdale	LL	LL			56		
Ft. Meade	LL	LL			57	No state money continues to report	
Ft. Myers	LL	LL			58		
Ft. Pierce	LL	-			59		
Ft. Walton Beach	LL	LL			60		
Gainesville	LL	LL			61		
Golden Beach	LL	-			62		
Green Cove Springs	LL	-			63		
Greenacres	LL	LL			64		
Gulf Breeze	LL	-			65		
Gulfport	LL	LL			66		
Haines City	LL	LL			67		
Hallandale Beach	LL	LL			68		
Havana	-	Chapter			69		
Hialeah	LL	LL			70		
Hialeah Gardens	LL	-			71		
Holley-Navarre FCD	-	Chapter			72		
Holly Hill	LL	LL			73		
Hollywood	LL	LL			74		
Holmes Beach	LL	-			75		
Homestead	LL	LL			76		
Howey-in-the-Hills	LL	-			77		
Indialantic	LL	LL			78		
Indian Harbour Beach	LL	-			79		
Indian River Shores	LL	LL			80		
Indian Shores	Chapter	-			81		
Jacksonville	LL	LL			82		
Jacksonville Beach	LL	LL			83		
Jupiter	LL	-			84		
Key Biscayne	LL	LL			85		
Key West	LL	LL			86		

City	Police	Fire						
Kissimmee	LL	LL			87			
LaBelle	-	LL			88			
Lady Lake	LL	-			89			
Lake Alfred	LL	LL			90			
Lake City	LL	LL			91			
Lake Helen	LL	-			92			
Lake Mary	LL	LL			93			
Lake Wales	LL	LL			94			
Lake Worth	LL	LL			95			
Lakeland	LL	LL			96			
Lantana	LL	LL			97			
Largo	LL	LL			98			
Lauderdale-by-the-Sea	-	LL			99			
Lauderhill	LL	LL			100			
Leesburg	LL	LL			101			
Longboat Key	-	-			102	No state mon continues to report		
Longwood	LL	LL			103			
Lynn Haven	LL	LL			104			
Madison	LL	LL			105			
Maitland	LL	LL			106			
Marathon	-	LL			107			
Marco Island	LL	LL			108			
Marianna	Chapter	Chapter			109			
Medley	LL	-			110			
Melbourne	LL	LL			111			
Melbourne Beach	LL	-			112			
Miami	LL	LL			113			
Miami Beach	LL	LL			114			
Miami Shores Village	LL	-			115			
Miami Springs	LL	LL			116			
Midway FCD	-	Chapter			117			
Milton	LL	LL			118			
Miramar	LL	LL			119			
Monticello	Chapter	LL			120			
Mount Dora	LL	LL			121			
Naples	LL	LL			122			
Neptune Beach	LL	-			123			
New Port Richey	LL	LL			124			
New Smyrna Beach	LL	LL			125			
North Bay FCD	-	LL			126			
North Miami	LL	LL	*		127	What is asterisk?		
North Miami Beach	LL	LL			128			
North Naples FCD	-	LL			129			
North Port	LL	LL			130			
North River FCD	-	LL			131			
Oakland Park	LL	LL			132			
Ocala	LL	LL			133			
Ocean City - Wright FCD	-	LL			134			
Ocoee	LL	LL			135			
Okaloosa Island FCD	-	LL			136			
Okeechobee	LL	LL			137			
Oldsmar	-	LL			138			
Orange Park	LL	LL			139			
Orlando	LL	LL			140			
Ormond Beach	LL	LL			141			
Oviedo	LL	Chapter			142			
Palatka	LL	LL			143			
Palm Bay	LL	LL			144			
Palm Beach Gardens	LL	LL			145			
Palm Coast	-	LL			146			
Palm Harbor FCD	-	LL			147			
Palmetto	LL	-			148			
Panama City	LL	LL			149			
Panama City Beach	LL	LL			150			
Parkland	LL	-			151			
Pembroke Pines	LL	LL			152			
Pensacola	LL	LL			153			
Perry	LL	LL			154			
Pinellas Park	LL	LL			155			
Plant City	LL	LL			156			
Plantation	LL	LL			157			
Pompano Beach	LL	LL			158			
Port Orange	LL	LL			159			
Port St. Lucie	LL	-			160			
Punta Gorda	LL	LL			161			
Quincy	LL	LL			162			
Riviera Beach	LL	LL			163			
Rockledge	LL	LL			164			
Royal Palm Beach	LL	-			165			
Safety Harbor	-	LL			166			
San Carlos Park FCD	-	LL			167			
Sanford	LL	LL			168			
Sanibel	LL	-			169			
Sarasota	LL	LL			170			
Satellite Beach	LL	LL			171			
Sebastian	LL	-			172			

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PREMIUM TAX INFORMATION

Historical Premium Tax Distributions

25 Year History

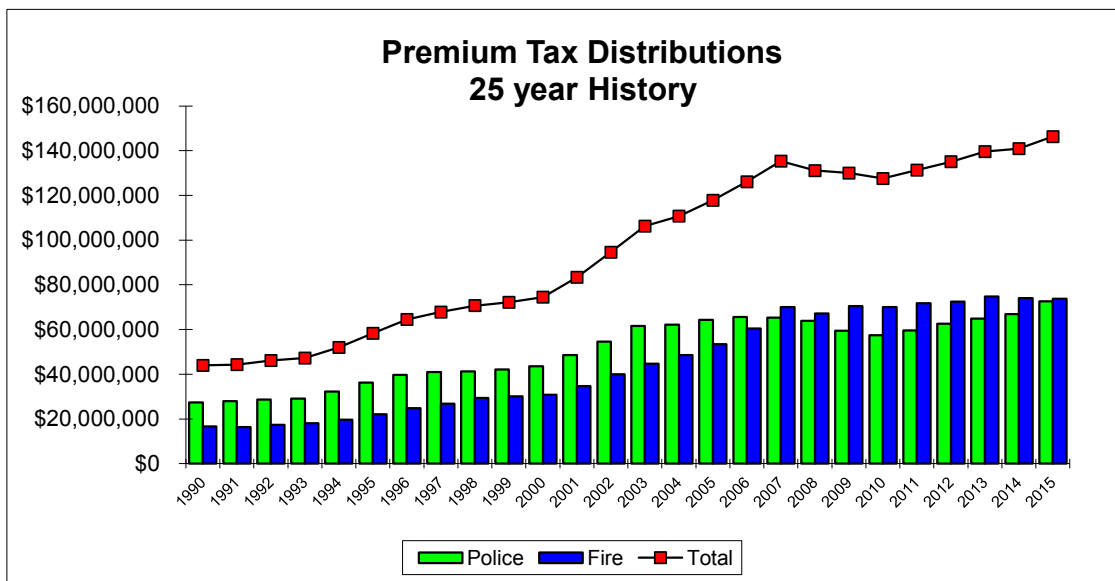
POLICE OFFICERS			
	Premium Tax Distribution	Annual Increase/(Decrease)	Percentage Increase/(Decrease)
1991	\$27,947,000	\$591,000	2.16%
1992	\$28,755,000	\$808,000	2.89%
1993	\$29,179,000	\$424,000	1.47%
1994	\$32,316,000	\$3,137,000	10.75%
1995	\$36,239,000	\$3,923,000	12.14%
1996	\$39,672,000	\$3,433,000	9.47%
1997	\$41,030,000	\$1,358,000	3.42%
1998	\$41,218,000	\$188,000	0.46%
1999	\$42,104,000	\$886,000	2.15%
2000	\$43,600,000	\$1,496,000	3.55%
2001	\$48,652,000	\$5,052,000	11.59%
2002	\$54,556,000	\$5,904,000	12.14%
2003	\$61,545,000	\$6,989,000	12.81%
2004	\$62,224,000	\$679,000	1.10%
2005	\$64,326,000	\$2,102,000	3.38%
2006	\$65,619,000	\$1,293,000	2.01%
2007	\$65,308,000	(\$311,000)	(0.47)%
2008	\$63,961,000	(\$1,347,000)	(2.06)%
2009	\$59,426,000	(\$4,535,000)	(7.09)%
2010	\$57,469,000	(\$1,957,000)	(3.29)%
2011	\$59,615,000	\$2,146,000	3.73%
2012	\$62,608,000	\$2,993,000	5.02%
2013	\$64,869,000	\$2,261,000	3.61%
2014	\$66,880,000	\$2,011,000	3.10%
2015	\$72,566,000	\$5,686,000	8.50%
AVERAGE		\$1,808,400	4.10%

FIREFIGHTERS			
	Premium Tax Distribution	Annual Increase/(Decrease)	Percentage Increase/(Decrease)
1991	\$16,362,000	(\$299,000)	(1.79)%
1992	\$17,394,000	\$1,032,000	6.31%
1993	\$18,050,000	\$656,000	3.77%
1994	\$19,720,000	\$1,670,000	9.25%
1995	\$22,110,000	\$2,390,000	12.12%
1996	\$24,813,000	\$2,703,000	12.23%
1997	\$26,841,000	\$2,028,000	8.17%
1998	\$29,469,000	\$2,628,000	9.79%
1999	\$30,116,000	\$647,000	2.20%
2000	\$30,902,000	\$786,000	2.61%
2001	\$34,765,000	\$3,863,000	12.50%
2002	\$40,044,000	\$5,279,000	15.18%
2003	\$44,731,000	\$4,687,000	11.70%
2004	\$48,515,000	\$3,784,000	8.46%
2005	\$53,460,000	\$4,945,000	10.19%
2006	\$60,500,000	\$7,040,000	13.17%
2007	\$69,982,000	\$9,482,000	15.67%
2008	\$67,152,000	(\$2,830,000)	(4.04)%
2009	\$70,530,000	\$3,378,000	5.03%
2010	\$70,122,000	(\$408,000)	(0.58)%
2011	\$71,744,000	\$1,622,000	2.31%
2012	\$72,471,000	\$727,000	1.01%
2013	\$74,705,000	\$2,234,000	3.08%
2014	\$74,024,000	(\$681,000)	(0.91)%
2015	\$73,775,000	(\$249,000)	(0.34)%
AVERAGE		\$2,284,560	6.28%

Historical Premium Tax Distributions

25 Year History

POLICE & FIRE - COMBINED			
	Premium Tax Distribution	Annual Increase/(Decrease)	Percentage Increase/(Decrease)
1991	\$44,309,000	\$292,000	0.66%
1992	\$46,149,000	\$1,840,000	4.15%
1993	\$47,229,000	\$1,080,000	2.34%
1994	\$52,036,000	\$4,807,000	10.18%
1995	\$58,349,000	\$6,313,000	12.13%
1996	\$64,485,000	\$6,136,000	10.52%
1997	\$67,871,000	\$3,386,000	5.25%
1998	\$70,687,000	\$2,816,000	4.15%
1999	\$72,220,000	\$1,533,000	2.17%
2000	\$74,502,000	\$2,282,000	3.16%
2001	\$83,417,000	\$8,915,000	11.97%
2002	\$94,600,000	\$11,183,000	13.41%
2003	\$106,276,000	\$11,676,000	12.34%
2004	\$110,739,000	\$4,463,000	4.20%
2005	\$117,786,000	\$7,047,000	6.36%
2006	\$126,119,000	\$8,333,000	7.07%
2007	\$135,290,000	\$9,171,000	7.27%
2008	\$131,113,000	(\$4,177,000)	(3.09)%
2009	\$129,956,000	(\$1,157,000)	(0.88)%
2010	\$127,591,000	(\$2,365,000)	(1.82)%
2011	\$131,359,000	\$3,768,000	2.95%
2012	\$135,079,000	\$3,720,000	2.83%
2013	\$139,574,000	\$4,495,000	3.33%
2014	\$140,904,000	\$5,825,000	4.31%
2015	\$146,341,000	\$5,437,000	3.90%
AVERAGE		\$4,272,760	5.15%



Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
106	ALTAMONTE SPRINGS	\$376,030.49	\$30,082.44	\$0.00	\$238.20	\$345,709.85	\$0.00
118	APOPKA	\$392,128.83	\$31,370.31	\$0.00	\$248.40	\$360,510.12	\$0.00
119	ARCADIA	\$72,634.38	\$5,810.75	\$0.00	\$46.01	\$66,777.62	\$0.00
128	ATLANTIC BEACH	\$122,879.73	\$9,830.38	\$0.00	\$77.84	\$112,971.51	\$0.00
130	AUBURNDALE	\$206,615.25	\$16,529.22	\$0.00	\$130.88	\$189,955.15	\$0.00
132	AVENTURA	\$372,222.51	\$29,777.80	\$0.00	\$235.79	\$342,208.92	\$0.00
134	AVON PARK	\$59,983.41	\$4,798.67	\$0.00	\$38.00	\$55,146.74	\$0.00
141	BAL HARBOUR VILLAGE	\$52,549.61	\$4,203.97	\$0.00	\$33.29	\$48,312.35	\$0.00
148	BARTOW	\$144,294.98	\$11,543.60	\$0.00	\$91.41	\$132,659.97	\$0.00
151	BAY HARBOR ISLAND	\$45,074.78	\$3,605.98	\$0.00	\$28.55	\$41,440.25	\$0.00
167	BELLEAIR	\$52,819.39	\$4,225.55	\$0.00	\$33.46	\$48,560.38	\$0.00
169	BELLEVUE	\$43,506.61	\$3,480.53	\$0.00	\$27.56	\$39,998.52	\$0.00
183	BOCA RATON	\$1,444,291.26	\$115,543.30	\$0.00	\$914.91	\$1,327,833.05	\$0.00
191	BOYNTON BEACH	\$800,491.22	\$64,039.30	\$0.00	\$507.09	\$735,944.83	\$0.00
192	BRADENTON	\$512,036.97	\$40,962.96	\$0.00	\$324.36	\$470,749.65	\$0.00
203	BROOKSVILLE	\$107,813.93	\$8,625.11	\$0.00	\$68.30	\$99,120.52	\$0.00
212	BUSHNELL	\$24,395.71	\$1,951.66	\$0.00	\$15.45	\$22,428.60	\$0.00
222	CAPE CORAL	\$1,366,542.47	\$109,323.40	\$0.00	\$865.66	\$1,256,353.41	\$0.00
229	CASSELBERRY	\$190,225.16	\$15,218.01	\$0.00	\$120.50	\$174,886.65	\$0.00
251	CLEARWATER	\$1,053,862.52	\$84,309.00	\$0.00	\$667.59	\$968,885.93	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
253	CLERMONT	\$289,964.79	\$23,197.18	\$0.00	\$183.68	\$266,583.93	\$0.00
257	COCOA	\$159,381.94	\$12,750.56	\$0.00	\$100.96	\$146,530.42	\$0.00
258	COCOA BEACH	\$113,355.26	\$9,068.42	\$0.00	\$71.81	\$104,215.03	\$0.00
265	COOPER CITY	\$325,530.31	\$26,042.42	\$0.00	\$206.21	\$299,281.68	\$0.00
268	CORAL GABLES	\$610,803.68	\$48,864.29	\$0.00	\$386.93	\$561,552.46	\$0.00
270	CORAL SPRINGS	\$1,180,602.55	\$94,448.20	\$0.00	\$747.88	\$1,085,406.47	\$0.00
278	CRESCENT CITY	\$20,891.58	\$1,671.33	\$0.00	\$13.23	\$19,207.02	\$0.00
279	CRESTVIEW	\$173,925.11	\$13,914.01	\$0.00	\$110.18	\$159,900.92	\$0.00
287	DADE CITY	\$82,723.18	\$6,617.85	\$0.00	\$52.40	\$76,052.93	\$0.00
288	DANIA BEACH	\$246,899.44	\$19,751.96	\$0.00	\$156.40	\$226,991.08	\$0.00
292	DAVIE	\$934,066.01	\$74,725.28	\$0.00	\$591.70	\$858,749.03	\$0.00
293	DAYTONA BEACH	\$463,471.04	\$37,077.68	\$0.00	\$293.59	\$426,099.77	\$0.00
296	DEERFIELD BEACH	\$682,048.49	\$54,563.88	\$0.00	\$432.06	\$627,052.55	\$0.00
298	DELAND	\$230,839.66	\$18,467.17	\$0.00	\$146.23	\$212,226.26	\$0.00
301	DELRAY BEACH	\$779,034.74	\$62,322.78	\$0.00	\$493.49	\$716,218.47	\$0.00
317	DUNNELLON	\$36,803.47	\$2,944.28	\$0.00	\$23.31	\$33,835.88	\$0.00
326	EATONVILLE	\$13,578.90	\$1,086.31	\$0.00	\$8.60	\$12,483.99	\$0.00
331	EDGEWATER	\$150,369.58	\$12,029.57	\$0.00	\$95.25	\$138,244.76	\$0.00
349	EUSTIS	\$138,241.24	\$11,059.30	\$0.00	\$87.57	\$127,094.37	\$0.00
359	FERNANDINA BEACH	\$108,356.45	\$8,668.52	\$0.00	\$68.64	\$99,619.29	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
361	FLAGLER BEACH	\$46,719.29	\$3,737.54	\$0.00	\$29.60	\$42,952.15	\$0.00
371	FORT LAUDERDALE	\$2,583,053.20	\$206,644.25	\$0.00	\$1,636.28	\$2,374,772.67	\$0.00
374	FORT MYERS	\$790,197.81	\$63,215.82	\$0.00	\$500.57	\$726,481.42	\$0.00
377	FORT PIERCE	\$329,397.10	\$26,351.77	\$0.00	\$208.66	\$302,836.67	\$0.00
379	FORT WALTON BEACH	\$197,204.61	\$15,776.37	\$0.00	\$124.92	\$181,303.32	\$0.00
384	FROSTPROOF	\$23,674.82	\$1,893.99	\$0.00	\$15.00	\$21,765.83	\$0.00
387	GAINESVILLE	\$748,482.28	\$59,878.58	\$0.00	\$474.14	\$688,129.56	\$0.00
400	GOLDEN BEACH	\$18,527.46	\$1,482.20	\$0.00	\$11.74	\$17,033.52	\$0.00
415	GREEN COVE SPRINGS	\$92,824.28	\$7,425.94	\$0.00	\$58.80	\$85,339.54	\$0.00
416	GREENACRES	\$269,456.47	\$21,556.52	\$0.00	\$170.69	\$247,729.26	\$0.00
425	GULF BREEZE	\$73,032.73	\$5,842.62	\$0.00	\$46.26	\$67,143.85	\$0.00
427	GULFPORT	\$101,511.37	\$8,120.91	\$0.00	\$64.30	\$93,326.16	\$0.00
431	HAINES CITY	\$152,389.82	\$12,191.19	\$0.00	\$96.53	\$140,102.10	\$0.00
432	HALLANDALE BEACH	\$298,948.46	\$23,915.88	\$0.00	\$189.37	\$274,843.21	\$0.00
442	HIALEAH	\$1,899,476.70	\$151,958.13	\$0.00	\$1,203.26	\$1,746,315.31	\$0.00
443	HIALEAH GARDENS	\$170,182.71	\$13,614.62	\$0.00	\$107.81	\$156,460.28	\$0.00
458	HOLLY HILL	\$117,664.25	\$9,413.14	\$0.00	\$74.54	\$108,176.57	\$0.00
459	HOLLYWOOD	\$1,496,139.62	\$119,691.17	\$0.00	\$947.76	\$1,375,500.69	\$0.00
461	HOLMES BEACH	\$46,727.19	\$3,738.18	\$0.00	\$29.60	\$42,959.41	\$0.00
464	HOMESTEAD	\$579,537.67	\$46,363.01	\$0.00	\$367.12	\$532,807.54	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
472	HOWEY-IN-THE-HILLS	\$11,945.89	\$955.67	\$0.00	\$7.57	\$10,982.65	\$0.00
477	INDIALANTIC	\$46,044.21	\$3,683.54	\$0.00	\$29.17	\$42,331.50	\$0.00
479	INDIAN HARBOUR BEACH	\$75,697.15	\$6,055.77	\$0.00	\$47.95	\$69,593.43	\$0.00
480	INDIAN RIVER SHORES	\$101,612.82	\$8,129.03	\$0.00	\$64.37	\$93,419.42	\$0.00
481	INDIAN SHORES	\$21,978.19	\$1,758.26	\$0.00	\$13.92	\$20,206.01	\$0.00
491	JACKSONVILLE	\$6,331,867.85	\$506,549.42	\$0.00	\$4,011.04	\$5,821,307.39	\$0.00
492	JACKSONVILLE BEACH	\$250,090.94	\$20,007.28	\$0.00	\$158.42	\$229,925.24	\$0.00
501	JUPITER	\$794,683.22	\$63,574.66	\$0.00	\$503.41	\$730,605.15	\$0.00
505	KEY BISCAVNE	\$149,209.12	\$11,936.73	\$0.00	\$94.52	\$137,177.87	\$0.00
509	KEY WEST	\$188,639.71	\$15,091.18	\$0.00	\$119.50	\$173,429.03	\$0.00
515	KISSIMMEE	\$633,194.32	\$50,655.55	\$0.00	\$401.11	\$582,137.66	\$0.00
524	LADY LAKE	\$110,566.67	\$8,845.33	\$0.00	\$70.04	\$101,651.30	\$0.00
526	LAKE ALFRED	\$37,705.53	\$3,016.44	\$0.00	\$23.89	\$34,665.20	\$0.00
530	LAKE CITY	\$129,312.43	\$10,344.99	\$0.00	\$81.92	\$118,885.52	\$0.00
536	LAKE HELEN	\$21,297.87	\$1,703.83	\$0.00	\$13.49	\$19,580.55	\$0.00
539	LAKE MARY	\$168,323.93	\$13,465.91	\$0.00	\$106.63	\$154,751.39	\$0.00
544	LAKE WALES	\$117,608.41	\$9,408.67	\$0.00	\$74.50	\$108,125.24	\$0.00
545	LAKE WORTH	\$510,243.09	\$40,819.45	\$0.00	\$323.22	\$469,100.42	\$0.00
546	LAKELAND	\$866,342.57	\$69,307.41	\$0.00	\$548.80	\$796,486.36	\$0.00
551	LAUDERHILL	\$414,904.36	\$33,192.35	\$0.00	\$262.83	\$381,449.18	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
552	LANTANA	\$130,198.21	\$10,415.86	\$0.00	\$82.48	\$119,699.87	\$0.00
553	LARGO	\$666,191.14	\$53,295.29	\$0.00	\$422.01	\$612,473.84	\$0.00
560	LEESBURG	\$199,878.23	\$15,990.26	\$0.00	\$126.62	\$183,761.35	\$0.00
579	LONGWOOD	\$182,130.88	\$14,570.47	\$0.00	\$115.37	\$167,445.04	\$0.00
590	LYNN HAVEN	\$152,920.65	\$12,233.65	\$0.00	\$96.87	\$140,590.13	\$0.00
595	MADISON	\$29,860.47	\$2,388.84	\$0.00	\$18.92	\$27,452.71	\$0.00
596	MAITLAND	\$149,702.43	\$11,976.19	\$0.00	\$94.83	\$137,631.41	\$0.00
604	MARCO ISLAND	\$212,071.92	\$16,965.75	\$0.00	\$134.34	\$194,971.83	\$0.00
607	MARIANNA	\$47,583.25	\$3,806.66	\$0.00	\$30.14	\$43,746.45	\$0.00
618	MEDLEY	\$120,579.33	\$9,646.35	\$0.00	\$76.38	\$110,856.60	\$0.00
620	MELBOURNE	\$649,645.74	\$51,971.66	\$0.00	\$411.53	\$597,262.55	\$0.00
621	MELBOURNE BEACH	\$40,013.26	\$3,201.06	\$0.00	\$25.35	\$36,786.85	\$0.00
626	MIAMI	\$5,557,673.19	\$444,613.85	\$0.00	\$3,520.61	\$5,109,538.73	\$0.00
627	MIAMI BEACH	\$806,547.39	\$64,523.79	\$0.00	\$510.92	\$741,512.68	\$0.00
628	MIAMI SHORES VILLAGE	\$109,396.20	\$8,751.70	\$0.00	\$69.30	\$100,575.20	\$0.00
629	MIAMI SPRINGS	\$131,562.24	\$10,524.98	\$0.00	\$83.34	\$120,953.92	\$0.00
640	MILTON	\$96,956.44	\$7,756.52	\$0.00	\$61.42	\$89,138.50	\$0.00
645	MIRAMAR	\$1,047,379.16	\$83,790.33	\$0.00	\$663.48	\$962,925.35	\$0.00
649	MONTICELLO	\$44,011.34	\$3,520.91	\$0.00	\$27.88	\$40,462.55	\$0.00
655	MOUNT DORA	\$99,683.08	\$7,974.65	\$0.00	\$63.15	\$91,645.28	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
666	NAPLES	\$663,659.34	\$53,092.75	\$0.00	\$420.41	\$610,146.18	\$0.00
671	NEPTUNE BEACH	\$64,296.54	\$5,143.72	\$0.00	\$40.73	\$59,112.09	\$0.00
675	NEW PORT RICHEY	\$214,781.55	\$17,182.52	\$0.00	\$136.06	\$197,462.97	\$0.00
676	NEW SMYRNA BEACH	\$210,230.70	\$16,818.46	\$0.00	\$133.17	\$193,279.07	\$0.00
686	NORTH MIAMI	\$347,824.81	\$27,825.98	\$0.00	\$220.34	\$319,778.49	\$0.00
687	NORTH MIAMI BEACH	\$319,854.52	\$25,588.36	\$0.00	\$202.62	\$294,063.54	\$0.00
690	NORTH PORT	\$411,514.39	\$32,921.15	\$0.00	\$260.68	\$378,332.56	\$0.00
693	OAKLAND PARK	\$329,099.57	\$26,327.97	\$0.00	\$208.47	\$302,563.13	\$0.00
695	OCALA	\$561,902.58	\$44,952.21	\$0.00	\$355.95	\$516,594.42	\$0.00
701	OCOE	\$300,215.36	\$24,017.23	\$0.00	\$190.18	\$276,007.95	\$0.00
706	OKEECHOBEE	\$80,447.04	\$6,435.76	\$0.00	\$50.96	\$73,960.32	\$0.00
722	ORANGE PARK	\$151,830.26	\$12,146.42	\$0.00	\$96.18	\$139,587.66	\$0.00
725	ORLANDO	\$3,128,695.41	\$250,295.63	\$0.00	\$1,981.93	\$2,876,417.85	\$0.00
728	ORMOND BEACH	\$363,214.21	\$29,057.14	\$0.00	\$230.08	\$333,926.99	\$0.00
736	OVIEDO	\$314,954.11	\$25,196.33	\$0.00	\$199.51	\$289,558.27	\$0.00
743	PALATKA	\$71,671.93	\$5,733.75	\$0.00	\$45.40	\$65,892.78	\$0.00
744	PALM BAY	\$744,904.14	\$59,592.33	\$0.00	\$471.87	\$684,839.94	\$0.00
746	PALM BEACH GRDNS	\$699,676.43	\$55,974.11	\$0.00	\$443.22	\$643,259.10	\$0.00
752	PALMETTO	\$124,216.26	\$9,937.30	\$0.00	\$78.69	\$114,200.27	\$0.00
754	PANAMA CITY	\$354,413.43	\$28,353.07	\$0.00	\$224.51	\$325,835.85	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
755	PANAMA CITY BEACH	\$149,120.85	\$11,929.67	\$0.00	\$94.46	\$137,096.72	\$0.00
761	PARKLAND	\$306,681.55	\$24,534.52	\$0.00	\$194.27	\$281,952.76	\$0.00
770	PEMBROKE PINES	\$1,421,371.95	\$113,709.76	\$0.00	\$900.40	\$1,306,761.79	\$0.00
773	PENSACOLA	\$580,272.80	\$46,421.82	\$0.00	\$367.58	\$533,483.40	\$0.00
776	PERRY	\$44,560.01	\$3,564.80	\$0.00	\$28.23	\$40,966.98	\$0.00
787	PINELLAS PARK	\$438,965.63	\$35,117.25	\$0.00	\$278.07	\$403,570.31	\$0.00
789	PLANTATION	\$873,140.47	\$69,851.24	\$0.00	\$553.11	\$802,736.12	\$0.00
790	PLANT CITY	\$322,212.44	\$25,777.00	\$0.00	\$204.11	\$296,231.33	\$0.00
796	POMPANO BEACH	\$1,149,578.50	\$91,966.28	\$0.00	\$728.22	\$1,056,884.00	\$0.00
801	PORT ORANGE	\$406,087.32	\$32,486.99	\$0.00	\$257.24	\$373,343.09	\$0.00
807	PORT ST. LUCIE	\$1,356,877.98	\$108,550.24	\$0.00	\$859.54	\$1,247,468.20	\$0.00
811	PUNTA GORDA	\$205,738.35	\$16,459.07	\$0.00	\$130.33	\$189,148.95	\$0.00
816	QUINCY	\$57,593.41	\$4,607.47	\$0.00	\$36.48	\$52,949.46	\$0.00
831	RIVIERA BEACH	\$251,806.39	\$20,144.51	\$0.00	\$159.51	\$231,502.37	\$0.00
836	ROCKLEDGE	\$207,917.32	\$16,633.39	\$0.00	\$131.71	\$191,152.22	\$0.00
839	ROYAL PALM BEACH	\$333,096.18	\$26,647.69	\$0.00	\$211.01	\$306,237.48	\$0.00
846	ST. AUGUSTINE	\$191,257.01	\$15,300.56	\$0.00	\$121.16	\$175,835.29	\$0.00
849	ST. CLOUD	\$297,051.43	\$23,764.11	\$0.00	\$188.17	\$273,099.15	\$0.00
855	ST. PETERSBURG	\$2,063,953.92	\$165,116.31	\$0.00	\$1,307.45	\$1,897,530.16	\$0.00
856	ST. PETE BEACH	\$94,567.81	\$7,565.42	\$0.00	\$59.91	\$86,942.48	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

City Code	City Name	Premium Tax	Service Charge	Due From City	IPT Database Expenses	Distribution Amount	Amount Returned to General Revenue
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
865	SANFORD	\$395,589.40	\$31,647.15	\$0.00	\$250.59	\$363,691.66	\$0.00
867	SANIBEL	\$92,622.51	\$7,409.80	\$0.00	\$58.67	\$85,154.04	\$0.00
869	SARASOTA	\$649,816.38	\$51,985.31	\$0.00	\$411.64	\$597,419.43	\$0.00
870	SATELLITE BEACH	\$134,540.36	\$10,763.23	\$0.00	\$85.23	\$123,691.90	\$0.00
873	SEBASTIAN	\$183,851.75	\$14,708.14	\$0.00	\$116.46	\$169,027.15	\$0.00
874	SEBRING	\$99,824.55	\$7,985.96	\$0.00	\$63.24	\$91,775.35	\$0.00
879	SHALIMAR	\$16,567.56	\$1,325.40	\$0.00	\$10.50	\$15,231.66	\$0.00
894	SOUTH MIAMI	\$112,354.99	\$8,988.40	\$0.00	\$71.17	\$103,295.42	\$0.00
900	STARKE	\$67,537.92	\$5,403.03	\$0.00	\$42.78	\$62,092.11	\$0.00
909	SUNRISE	\$754,049.83	\$60,323.99	\$0.00	\$477.67	\$693,248.17	\$0.00
911	SURFSIDE	\$70,100.45	\$5,608.04	\$0.00	\$44.41	\$64,448.00	\$0.00
912	SWEETWATER	\$104,184.20	\$8,334.74	\$0.00	\$66.00	\$95,783.46	\$0.00
916	TALLAHASSEE	\$1,450,667.35	\$116,053.39	\$0.00	\$918.95	\$1,333,695.01	\$0.00
918	TAMPA	\$3,657,175.53	\$292,574.04	\$0.00	\$2,316.71	\$3,362,284.78	\$0.00
919	TAMARAC	\$561,132.27	\$44,890.58	\$0.00	\$355.46	\$515,886.23	\$0.00
920	TARPON SPRINGS	\$239,592.41	\$19,167.39	\$0.00	\$151.77	\$220,273.25	\$0.00
921	TAVARES	\$99,360.42	\$7,948.83	\$0.00	\$62.94	\$91,348.65	\$0.00
925	TEMPLE TERRACE	\$204,548.14	\$16,363.85	\$0.00	\$129.57	\$188,054.72	\$0.00
926	TEQUESTA	\$98,768.19	\$7,901.46	\$0.00	\$62.57	\$90,804.16	\$0.00
930	TITUSVILLE	\$403,526.08	\$32,282.09	\$0.00	\$255.62	\$370,988.37	\$0.00

Police Officers' 2015 Premium Tax Distribution Calculations

<i>City Code</i>	<i>City Name</i>	<i>Premium Tax</i>	<i>Service Charge</i>	<i>Due From City</i>	<i>IPT Database Expenses</i>	<i>Distribution Amount</i>	<i>Amount Returned to General Revenue</i>
		A	B = A*8%	C	D	E=A-B-C-D	F=A-E
936	UMATILLA	\$38,411.88	\$3,072.95	\$0.00	\$24.33	\$35,314.60	\$0.00
938	VALPARAISO	\$55,125.86	\$4,410.07	\$0.00	\$34.92	\$50,680.87	\$0.00
941	VENICE	\$225,949.83	\$18,075.99	\$0.00	\$143.13	\$207,730.71	\$0.00
944	VERO BEACH	\$274,747.79	\$21,979.82	\$0.00	\$174.04	\$252,593.93	\$0.00
946	VILLAGE OF N. PALM BEACH	\$130,915.97	\$10,473.28	\$0.00	\$82.93	\$120,359.76	\$0.00
947	VILLAGE OF PALM SPRINGS	\$129,153.97	\$10,332.32	\$0.00	\$81.82	\$118,739.83	\$0.00
954	WAUCHULA	\$77,189.31	\$6,175.14	\$0.00	\$48.90	\$70,965.27	\$0.00
963	WEST MELBOURNE	\$150,345.80	\$12,027.66	\$0.00	\$95.24	\$138,222.90	\$0.00
966	WEST PALM BEACH	\$1,370,488.71	\$109,639.10	\$0.00	\$868.16	\$1,259,981.45	\$0.00
976	WILLISTON	\$38,968.15	\$3,117.45	\$0.00	\$24.69	\$35,826.01	\$0.00
978	WILTON MANORS	\$119,676.57	\$9,574.13	\$0.00	\$75.81	\$110,026.63	\$0.00
984	WINTER GARDEN	\$320,790.78	\$25,663.26	\$0.00	\$203.21	\$294,924.31	\$0.00
985	WINTER HAVEN	\$402,437.82	\$32,195.03	\$0.00	\$254.93	\$369,987.86	\$0.00
986	WINTER PARK	\$319,604.59	\$25,568.37	\$0.00	\$202.46	\$293,833.76	\$0.00
		\$78,930,558.52	\$6,314,444.68	\$0.00	\$50,000.00	\$72,566,113.84	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
015	BOCA GRANDE FCD	\$121,238.93	\$0.00	\$121,238.93	\$9,699.11	\$64.23	\$111,475.59	\$1,830,736.75	\$109,844.20	\$55,737.80	\$0.00	\$109,844.20	\$1,631.39
017	BONITA SPRINGS FCD	\$616,835.38	\$0.00	\$616,835.38	\$49,346.83	\$326.78	\$567,161.77	\$15,613,307.15	\$936,798.41	\$283,580.89	\$0.00	\$567,161.77	\$0.00
021	DESTIN FCD	\$392,184.28	\$0.00	\$392,184.28	\$31,374.74	\$207.77	\$360,601.77	\$3,965,844.33	\$237,950.65	\$180,300.89	\$0.00	\$237,950.65	\$122,651.12
023	EAST LAKE TARPON FCD	\$401,142.03	\$0.00	\$401,142.03	\$32,091.36	\$212.52	\$368,838.15	\$5,108,513.99	\$306,510.83	\$184,419.08	\$0.00	\$306,510.83	\$62,327.32
024	GREATER NAPLES FCD	\$923,274.09	\$0.00	\$923,274.09	\$73,861.93	\$489.13	\$848,923.03	\$5,829,931.26	\$349,795.87	\$424,461.52	\$0.00	\$424,461.52	\$424,461.51
025	EAST NICEVILLE FCD	\$79,326.94	\$0.00	\$79,326.94	\$6,346.16	\$42.03	\$72,938.75	\$440,675.00	\$26,440.50	\$36,469.38	\$0.00	\$36,469.38	\$36,469.37
027	ENGLEWOOD FCD	\$602,081.39	\$0.00	\$602,081.39	\$48,166.51	\$318.97	\$553,595.91	\$6,013,085.73	\$360,785.14	\$276,797.96	\$0.00	\$360,785.14	\$192,810.77
029	ESTERO FCD	\$353,984.96	\$0.00	\$353,984.96	\$28,318.80	\$187.53	\$325,478.63	\$6,114,874.38	\$366,892.45	\$162,739.32	\$0.00	\$325,478.63	\$0.00
033	HOLLEY-NAVARRE FCD	\$301,931.57	\$0.00	\$301,931.57	\$24,154.53	\$159.96	\$277,617.08	\$798,456.86	\$47,907.41	\$138,808.54	\$0.00	\$138,808.54	\$138,808.54
043	MIDWAY FCD	\$243,356.05	\$0.00	\$243,356.05	\$19,468.48	\$128.92	\$223,758.65	\$1,361,984.41	\$81,719.06	\$111,879.33	\$0.00	\$111,879.33	\$111,879.32
047	NORTH BAY FCD	\$160,504.32	\$0.00	\$160,504.32	\$12,840.35	\$85.03	\$147,578.94	\$987,660.00	\$59,259.60	\$73,789.47	\$0.00	\$73,789.47	\$73,789.47
050	NORTH COLLIER FCD	\$1,867,805.78	\$0.00	\$1,867,805.78	\$149,424.46	\$989.52	\$1,717,391.80	\$21,809,360.82	\$1,308,561.62	\$858,695.90	\$0.00	\$1,308,561.62	\$408,830.18
053	NORTH RIVER FCD	\$362,142.94	\$0.00	\$362,142.94	\$28,971.43	\$191.85	\$332,979.66	\$5,540,549.08	\$332,432.94	\$166,489.83	\$0.00	\$332,432.94	\$546.72
055	OCEAN CITY-WRIGHT FCD	\$366,811.69	\$0.00	\$366,811.69	\$29,344.93	\$194.33	\$337,272.43	\$4,036,896.00	\$242,213.75	\$168,636.22	\$0.00	\$242,213.75	\$95,058.68
057	OKALOOSA IS. FCD	\$49,300.42	\$0.00	\$49,300.42	\$3,944.03	\$26.12	\$45,330.27	\$897,069.88	\$53,824.19	\$22,665.14	\$0.00	\$45,330.27	\$0.00
060	PALM HARBOR FCD	\$672,443.50	\$0.00	\$672,443.50	\$53,795.48	\$356.24	\$618,291.78	\$2,674,568.53	\$160,474.11	\$309,145.89	\$0.00	\$309,145.89	\$309,145.89
064	SAN CARLOS PARK FCD	\$313,539.40	\$0.00	\$313,539.40	\$25,083.15	\$166.11	\$288,290.14	\$2,820,995.30	\$169,259.71	\$144,145.07	\$0.00	\$169,259.71	\$119,030.43
067	SOUTH WALTON FCD	\$739,525.09	\$0.00	\$739,525.09	\$59,162.01	\$391.78	\$679,971.30	\$11,326,671.81	\$679,600.29	\$339,985.65	\$0.00	\$679,600.29	\$371.01
069	SOUTHERN MANATEE FCD	\$490,481.57	\$0.00	\$490,481.57	\$39,238.53	\$259.84	\$450,983.20	\$5,941,699.70	\$356,501.97	\$225,491.60	\$0.00	\$356,501.97	\$94,481.23
073	ST LUCIE COUNTY FIRE DIST.	\$2,195,952.15	\$0.00	\$2,195,952.15	\$175,676.17	\$1,163.36	\$2,019,112.62	\$57,659,176.00	\$3,459,550.48	\$1,009,556.31	\$0.00	\$2,019,112.62	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
094	WEST MANATEE FCD	\$487,678.09	\$0.00	\$487,678.09	\$39,014.25	\$258.36	\$448,405.48	\$3,538,678.40	\$212,320.70	\$224,202.74	\$0.00	\$224,202.74	\$224,202.74
118	APOPKA	\$306,159.71	\$0.00	\$306,159.71	\$24,492.78	\$162.20	\$281,504.73	\$5,623,370.20	\$337,402.20	\$140,752.37	\$0.00	\$281,504.73	\$0.00
119	ARCADIA	\$50,082.45	\$0.00	\$50,082.45	\$4,006.60	\$26.53	\$46,049.32	\$123,328.34	\$7,399.70	\$23,024.66	\$0.00	\$23,024.66	\$23,024.66
128	ATLANTIC BEACH	\$125,919.37	(\$125,919.37)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
129	ATLANTIS	\$58,067.16	(\$58,067.16)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
130	AUBURNDALE	\$252,791.66	\$0.00	\$252,791.66	\$20,223.33	\$133.92	\$232,434.41	\$1,600,500.36	\$96,030.02	\$116,217.21	\$0.00	\$116,217.21	\$116,217.20
134	AVON PARK	\$46,861.18	\$0.00	\$46,861.18	\$3,748.89	\$24.83	\$43,087.46	\$1,145,254.00	\$68,715.24	\$21,543.73	\$0.00	\$43,087.46	\$0.00
140	BALDWIN	\$7,656.86	(\$7,656.86)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
148	BARTOW	\$130,602.34	\$0.00	\$130,602.34	\$10,448.19	\$69.19	\$120,084.96	\$1,606,868.00	\$96,412.08	\$60,042.48	\$0.00	\$96,412.08	\$23,672.88
167	BELLEAIR	\$82,948.98	(\$82,948.98)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
171	BELLEAIR BLUFFS	\$25,125.71	(\$25,125.71)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
183	BOCA RATON	\$2,336,661.11	\$0.00	\$2,336,661.11	\$186,932.89	\$1,237.90	\$2,148,490.32	\$35,125,399.00	\$2,107,523.89	\$1,074,245.16	\$0.00	\$2,107,523.89	\$40,966.43
191	BOYNTON BEACH	\$866,174.32	\$137,931.61	\$1,004,105.93	\$80,328.47	\$531.95	\$923,245.51	\$21,408,495.00	\$1,284,509.67	\$461,622.76	\$0.00	\$923,245.51	\$0.00
192	BRADENTON	\$492,358.21	\$0.00	\$492,358.21	\$39,388.66	\$260.84	\$452,708.71	\$7,542,168.19	\$452,530.08	\$226,354.36	\$0.00	\$452,530.08	\$178.63
198	BRINY BREEZES	\$2,437.57	(\$2,437.57)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
203	BROOKSVILLE	\$77,849.07	\$0.00	\$77,849.07	\$6,227.93	\$41.24	\$71,579.90	\$1,319,433.29	\$79,166.00	\$35,789.95	\$0.00	\$71,579.90	\$0.00
210	BUNNELL	\$18,938.29	\$0.00	\$18,938.29	\$1,515.06	\$10.03	\$17,413.20	\$32,268.98	\$1,936.14	\$8,706.60	\$0.00	\$8,706.60	\$8,706.60
222	CAPE CORAL	\$1,614,694.49	\$0.00	\$1,614,694.49	\$129,175.56	\$855.43	\$1,484,663.50	\$22,130,713.00	\$1,327,842.75	\$742,331.75	\$0.00	\$1,327,842.75	\$156,820.75
229	CASSELBERRY	\$160,457.45	\$0.00	\$160,457.45	\$12,836.60	\$85.01	\$147,535.84	\$3,183,956.96	\$191,037.41	\$73,767.92	\$0.00	\$147,535.84	\$0.00
238	CHATTAHOOCHEE	\$9,517.94	\$0.00	\$9,517.94	\$761.44	\$5.04	\$8,751.46	\$56,299.29	\$3,377.96	\$4,375.73	\$0.00	\$4,375.73	\$4,375.73
251	CLEARWATER	\$1,231,882.53	\$0.00	\$1,231,882.53	\$98,550.60	\$652.62	\$1,132,679.31	\$19,893,315.28	\$1,193,598.89	\$566,339.66	\$0.00	\$1,132,679.31	\$0.00
253	CLERMONT	\$234,347.46	\$0.00	\$234,347.46	\$18,747.80	\$124.15	\$215,475.51	\$3,951,060.00	\$237,063.59	\$107,737.76	\$0.00	\$215,475.51	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
257	COCOA	\$125,325.20	\$0.00	\$125,325.20	\$10,026.02	\$66.39	\$115,232.79	\$4,767,855.10	\$286,071.30	\$57,616.40	\$0.00	\$115,232.79	\$0.00
258	COCOA BEACH	\$220,520.17	\$0.00	\$220,520.17	\$17,641.61	\$116.83	\$202,761.73	\$1,519,374.46	\$91,162.47	\$101,380.87	\$0.00	\$101,380.87	\$101,380.86
265	COOPER CITY	\$414,631.41	\$0.00	\$414,631.41	\$33,170.51	\$219.66	\$381,241.24	\$845,469.25	\$50,728.15	\$190,620.62	\$0.00	\$190,620.62	\$190,620.62
268	CORAL GABLES	\$1,088,305.22	\$0.00	\$1,088,305.22	\$87,064.42	\$576.56	\$1,000,664.24	\$14,568,510.17	\$874,110.59	\$500,332.12	\$0.00	\$874,110.59	\$126,553.65
270	CORAL SPRINGS	\$1,552,858.16	\$391,128.93	\$1,943,987.09	\$155,518.97	\$1,029.88	\$1,787,438.24	\$23,294,846.97	\$1,397,690.79	\$893,719.12	\$0.00	\$1,397,690.79	\$389,747.45
278	CRESCENT CITY	\$34,613.40	\$0.00	\$34,613.40	\$2,769.07	\$18.34	\$31,825.99	\$55,718.76	\$3,343.13	\$15,913.00	\$0.00	\$15,913.00	\$15,912.99
279	CRESTVIEW	\$152,743.56	\$0.00	\$152,743.56	\$12,219.48	\$80.92	\$140,443.16	\$2,334,957.00	\$140,097.42	\$70,221.58	\$0.00	\$140,097.42	\$345.74
287	DADE CITY	\$74,013.73	\$0.00	\$74,013.73	\$5,921.10	\$39.21	\$68,053.42	\$434,519.13	\$26,071.15	\$34,026.71	\$0.00	\$34,026.71	\$34,026.71
288	DANIA BEACH	\$318,874.13	\$0.00	\$318,874.13	\$25,509.93	\$168.93	\$293,195.27	\$3,251,190.49	\$195,071.43	\$146,597.64	\$0.00	\$195,071.43	\$98,123.84
292	DAVIE	\$1,000,561.51	\$0.00	\$1,000,561.51	\$80,044.92	\$530.07	\$919,986.52	\$16,688,167.00	\$1,001,290.00	\$459,993.26	\$0.00	\$919,986.52	\$0.00
293	DAYTONA BEACH	\$519,162.97	\$0.00	\$519,162.97	\$41,533.04	\$275.04	\$477,354.89	\$8,623,094.60	\$517,385.66	\$238,677.45	\$0.00	\$477,354.89	\$0.00
296	DEERFIELD BEACH	\$880,643.79	\$52,323.75	\$932,967.54	\$74,637.40	\$494.26	\$857,835.88	\$10,048,955.37	\$602,937.31	\$428,917.94	\$0.00	\$602,937.31	\$254,898.57
298	DELAND	\$202,649.07	\$0.00	\$202,649.07	\$16,211.93	\$107.36	\$186,329.78	\$4,742,589.14	\$284,555.34	\$93,164.89	\$0.00	\$186,329.78	\$0.00
301	DELRAY BEACH	\$1,099,070.89	\$198,567.95	\$1,297,638.84	\$103,811.11	\$687.46	\$1,193,140.27	\$23,030,026.00	\$1,381,801.53	\$596,570.14	\$0.00	\$1,193,140.27	\$0.00
303	DELTONA	\$484,899.77	\$0.00	\$484,899.77	\$38,791.98	\$256.89	\$445,850.90	\$7,248,607.65	\$434,916.45	\$222,925.45	\$0.00	\$434,916.45	\$10,934.45
316	DUNEDIN	\$363,368.67	\$0.00	\$363,368.67	\$29,069.49	\$192.50	\$334,106.68	\$4,503,224.00	\$270,193.43	\$167,053.34	\$0.00	\$270,193.43	\$63,913.25
317	DUNNELLON	\$27,352.74	\$0.00	\$27,352.74	\$2,188.22	\$14.49	\$25,150.03	\$209,024.96	\$12,541.50	\$12,575.02	\$0.00	\$12,575.02	\$12,575.01
326	EATONVILLE	\$9,124.00	(\$9,124.00)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
331	EDGEWATER	\$151,747.10	\$0.00	\$151,747.10	\$12,139.77	\$80.39	\$139,526.94	\$2,818,559.40	\$169,113.56	\$69,763.47	\$0.00	\$139,526.94	\$0.00
349	EUSTIS	\$113,591.24	\$0.00	\$113,591.24	\$9,087.30	\$60.18	\$104,443.76	\$2,264,900.94	\$135,894.05	\$52,221.88	\$0.00	\$104,443.76	\$0.00
359	FERNANDINA BEACH	\$154,374.72	\$0.00	\$154,374.72	\$12,349.98	\$81.78	\$141,942.96	\$1,978,387.00	\$118,703.22	\$70,971.48	\$0.00	\$118,703.22	\$23,239.74
361	FLAGLER BEACH	\$62,052.46	\$0.00	\$62,052.46	\$4,964.20	\$32.87	\$57,055.39	\$425,699.57	\$25,541.97	\$28,527.70	\$0.00	\$28,527.70	\$28,527.69

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
371	FORT LAUDERDALE	\$4,328,735.06	\$0.00	\$4,328,735.06	\$346,298.80	\$2,293.26	\$3,980,143.00	\$55,327,043.56	\$3,319,622.54	\$1,990,071.50	\$0.00	\$3,319,622.54	\$660,520.46
374	FORT MYERS	\$835,870.54	\$0.00	\$835,870.54	\$66,869.64	\$442.82	\$768,558.08	\$16,183,442.64	\$971,006.54	\$384,279.04	\$0.00	\$768,558.08	\$0.00
379	FORT WALTON BEACH	\$228,796.62	\$0.00	\$228,796.62	\$18,303.73	\$121.21	\$210,371.68	\$3,317,544.12	\$199,052.64	\$105,185.84	\$0.00	\$199,052.64	\$11,319.04
385	FRUITLAND PARK	\$28,246.11	\$0.00	\$28,246.11	\$2,259.69	\$14.96	\$25,971.46	\$44,809.23	\$2,688.55	\$12,985.73	\$0.00	\$12,985.73	\$12,985.73
387	GAINESVILLE	\$603,185.34	\$0.00	\$603,185.34	\$48,254.83	\$319.55	\$554,610.96	\$14,748,348.00	\$884,900.86	\$277,305.48	\$0.00	\$554,610.96	\$0.00
402	GOLF	\$14,677.60	(\$14,677.60)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
416	GREENACRES	\$258,472.63	\$58,067.16	\$316,539.79	\$25,323.18	\$167.69	\$291,048.92	\$3,071,682.34	\$184,300.94	\$145,524.46	\$0.00	\$184,300.94	\$106,747.98
427	GULFPORT	\$132,069.19	\$0.00	\$132,069.19	\$10,565.54	\$69.97	\$121,433.68	\$1,388,678.00	\$83,320.68	\$60,716.84	\$0.00	\$83,320.68	\$38,113.00
428	GULF STREAM	\$41,230.28	(\$41,230.28)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
431	HAINES CITY	\$114,611.34	\$0.00	\$114,611.34	\$9,168.91	\$60.72	\$105,381.71	\$1,940,250.38	\$116,415.02	\$52,690.86	\$0.00	\$105,381.71	\$0.00
432	HALLANDALE BEACH	\$355,490.96	\$0.00	\$355,490.96	\$28,439.28	\$188.33	\$326,863.35	\$6,838,743.25	\$410,324.59	\$163,431.68	\$0.00	\$326,863.35	\$0.00
438	HAVANA	\$75,321.44	\$0.00	\$75,321.44	\$6,025.72	\$39.90	\$69,255.82	\$10,547.00	\$632.82	\$34,627.91	\$0.00	\$34,627.91	\$34,627.91
442	HIALEAH	\$1,089,437.77	\$0.00	\$1,089,437.77	\$87,155.02	\$577.16	\$1,001,705.59	\$19,822,479.75	\$1,189,348.76	\$500,852.80	\$0.00	\$1,001,705.59	\$0.00
446	HIGHLAND BEACH	\$157,337.67	(\$157,337.67)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
452	HILLSBORO BEACH	\$52,323.75	(\$52,323.75)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
458	HOLLY HILL	\$77,484.44	\$0.00	\$77,484.44	\$6,198.76	\$41.05	\$71,244.63	\$748,302.71	\$44,898.16	\$35,622.32	\$0.00	\$44,898.16	\$26,346.47
459	HOLLYWOOD	\$1,711,106.70	\$0.00	\$1,711,106.70	\$136,888.53	\$906.50	\$1,573,311.67	\$23,885,968.00	\$1,433,158.05	\$786,655.84	\$0.00	\$1,433,158.05	\$140,153.62
464	HOMESTEAD	\$415,841.11	\$0.00	\$415,841.11	\$33,267.29	\$220.30	\$382,353.52	\$0.00	\$0.00	\$191,176.76	\$0.00	\$191,176.76	\$191,176.76
475	HYPOLUXO	\$41,930.15	(\$41,930.15)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
477	INDIALANTIC	\$64,267.78	\$0.00	\$64,267.78	\$5,141.42	\$34.05	\$59,092.31	\$478,433.92	\$28,706.03	\$29,546.16	\$0.00	\$29,546.16	\$29,546.15
480	INDIAN RIVER SHORES	\$284,862.67	\$0.00	\$284,862.67	\$22,789.01	\$150.91	\$261,922.75	\$138,950.10	\$8,337.01	\$130,961.38	\$0.00	\$130,961.38	\$130,961.37
491	JACKSONVILLE	\$5,068,512.88	\$216,396.32	\$5,284,909.20	\$422,792.73	\$2,799.81	\$4,859,316.66	\$92,088,975.00	\$5,525,338.38	\$2,429,658.33	\$0.00	\$4,859,316.66	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

<i>City Code</i>	<i>City Name</i>	<i>Unadjusted Premium Tax</i>	<i>Reallocate</i>	<i>Adj. Premium</i>	<i>Service Charge</i>	<i>IPT Database Expense</i>	<i>Maximum Net Available to City</i>	<i>Payroll Limitations 2015 Calendar Year Payroll</i>	<i>6% of Calendar Year Payroll</i>	<i>Minimum 50% of Net Available to City</i>	<i>Due From City</i>	<i>Distribution Amount</i>	<i>FF Suppl. Trust Fund</i>
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
492	JACKSONVILLE BEACH	\$344,986.14	\$0.00	\$344,986.14	\$27,598.89	\$182.77	\$317,204.48	\$2,228,337.00	\$133,700.22	\$158,602.24	\$0.00	\$158,602.24	\$158,602.24
502	JUPITER INLET COLONY	\$34,286.26	(\$34,286.26)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
505	KEY BISCAYNE	\$393,434.92	\$0.00	\$393,434.92	\$31,474.79	\$208.43	\$361,751.70	\$3,764,885.53	\$225,893.13	\$180,875.85	\$0.00	\$225,893.13	\$135,858.57
506	KEY COLONY BEACH	\$61,933.52	(\$61,933.52)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
509	KEY WEST	\$624,776.49	\$0.00	\$624,776.49	\$49,982.12	\$330.99	\$574,463.38	\$5,985,357.00	\$359,121.41	\$287,231.69	\$0.00	\$359,121.41	\$215,341.97
515	KISSIMMEE	\$366,696.24	\$0.00	\$366,696.24	\$29,335.70	\$194.27	\$337,166.27	\$10,632,702.02	\$637,962.11	\$168,583.14	\$0.00	\$337,166.27	\$0.00
521	LABELLE	\$28,687.01	\$0.00	\$28,687.01	\$2,294.96	\$15.20	\$26,376.85	\$150,125.00	\$9,007.50	\$13,188.43	\$0.00	\$13,188.43	\$13,188.42
526	LAKE ALFRED	\$30,358.45	\$0.00	\$30,358.45	\$2,428.68	\$16.08	\$27,913.69	\$461,359.33	\$27,681.56	\$13,956.85	\$0.00	\$27,681.56	\$232.13
530	LAKE CITY	\$107,603.12	\$0.00	\$107,603.12	\$8,608.25	\$57.01	\$98,937.86	\$1,009,208.62	\$60,552.52	\$49,468.93	\$0.00	\$60,552.52	\$38,385.34
539	LAKE MARY	\$182,883.56	\$0.00	\$182,883.56	\$14,630.68	\$96.89	\$168,155.99	\$2,945,610.60	\$176,736.63	\$84,078.00	\$0.00	\$168,155.99	\$0.00
544	LAKE WALES	\$154,262.17	\$0.00	\$154,262.17	\$12,340.97	\$81.72	\$141,839.48	\$2,194,721.76	\$131,683.30	\$70,919.74	\$0.00	\$131,683.30	\$10,156.18
545	LAKE WORTH	\$361,722.54	\$0.00	\$361,722.54	\$28,937.80	\$191.63	\$332,593.11	\$3,635,923.00	\$218,155.38	\$166,296.56	\$0.00	\$218,155.38	\$114,437.73
546	LAKELAND	\$844,577.26	\$0.00	\$844,577.26	\$67,566.18	\$447.44	\$776,563.64	\$15,325,888.01	\$919,553.26	\$388,281.82	\$0.00	\$776,563.64	\$0.00
551	LAUDERHILL	\$425,959.12	\$0.00	\$425,959.12	\$34,076.73	\$225.66	\$391,656.73	\$9,891,980.00	\$593,518.79	\$195,828.37	\$0.00	\$391,656.73	\$0.00
552	LANTANA	\$206,690.15	\$0.00	\$206,690.15	\$16,535.21	\$109.50	\$190,045.44	\$4,311,970.31	\$258,718.21	\$95,022.72	\$0.00	\$190,045.44	\$0.00
553	LARGO	\$579,374.43	\$108,074.69	\$687,449.12	\$54,995.93	\$364.19	\$632,089.00	\$9,260,793.67	\$555,647.61	\$316,044.50	\$0.00	\$555,647.61	\$76,441.39
554	LAUDERDALE BY THE SEA	\$149,260.29	\$0.00	\$149,260.29	\$11,940.82	\$79.07	\$137,240.40	\$366,192.69	\$21,971.56	\$68,620.20	\$0.00	\$68,620.20	\$68,620.20
560	LEESBURG	\$163,772.17	\$0.00	\$163,772.17	\$13,101.77	\$86.76	\$150,583.64	\$3,241,561.57	\$194,493.69	\$75,291.82	\$0.00	\$150,583.64	\$0.00
579	LONGWOOD	\$141,372.34	\$0.00	\$141,372.34	\$11,309.79	\$74.90	\$129,987.65	\$2,017,485.96	\$121,049.15	\$64,993.83	\$0.00	\$121,049.15	\$8,938.50
590	LYNN HAVEN	\$180,807.01	\$0.00	\$180,807.01	\$14,464.56	\$95.79	\$166,246.66	\$1,221,494.28	\$73,289.66	\$83,123.33	\$0.00	\$83,123.33	\$83,123.33
595	MADISON	\$21,741.61	\$0.00	\$21,741.61	\$1,739.33	\$11.52	\$19,990.76	\$373,852.50	\$22,431.15	\$9,995.38	\$0.00	\$19,990.76	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
596	MAITLAND	\$191,752.42	\$9,124.00	\$200,876.42	\$16,070.11	\$106.42	\$184,699.89	\$3,848,806.00	\$230,928.35	\$92,349.95	\$0.00	\$184,699.89	\$0.00
602	MANGONIA PARK	\$19,544.12	(\$19,544.12)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
603	MARATHON	\$222,990.68	\$61,933.52	\$284,924.20	\$22,793.94	\$150.95	\$261,979.31	\$1,941,212.24	\$116,472.73	\$130,989.66	\$0.00	\$130,989.66	\$130,989.65
604	MARCO ISLAND	\$657,704.54	\$0.00	\$657,704.54	\$52,616.36	\$348.44	\$604,739.74	\$5,281,674.21	\$316,900.45	\$302,369.87	\$0.00	\$316,900.45	\$287,839.29
607	MARIANNA	\$51,114.59	\$0.00	\$51,114.59	\$4,089.17	\$27.08	\$46,998.34	\$788,818.00	\$47,329.08	\$23,499.17	\$0.00	\$46,998.34	\$0.00
620	MELBOURNE	\$705,624.14	\$0.00	\$705,624.14	\$56,449.93	\$373.82	\$648,800.39	\$8,513,292.06	\$510,797.51	\$324,400.20	\$0.00	\$510,797.51	\$138,002.88
626	MIAMI	\$4,892,862.15	\$0.00	\$4,892,862.15	\$391,428.97	\$2,592.12	\$4,498,841.06	\$116,846,665.00	\$7,010,799.74	\$2,249,420.53	\$0.00	\$4,498,841.06	\$0.00
627	MIAMI BEACH	\$1,667,309.66	\$0.00	\$1,667,309.66	\$133,384.77	\$883.30	\$1,533,041.59	\$55,659,963.00	\$3,339,597.71	\$766,520.80	\$0.00	\$1,533,041.59	\$0.00
640	MILTON	\$88,703.15	\$0.00	\$88,703.15	\$7,096.25	\$46.99	\$81,559.91	\$1,363,887.77	\$81,833.26	\$40,779.96	\$0.00	\$81,559.91	\$0.00
645	MIRAMAR	\$1,077,211.33	\$0.00	\$1,077,211.33	\$86,176.91	\$570.68	\$990,463.74	\$22,395,285.09	\$1,343,717.08	\$495,231.87	\$0.00	\$990,463.74	\$0.00
649	MONTICELLO	\$33,544.08	\$0.00	\$33,544.08	\$2,683.53	\$17.77	\$30,842.78	\$0.00	\$0.00	\$15,421.39	\$0.00	\$15,421.39	\$15,421.39
655	MOUNT DORA	\$93,415.35	\$0.00	\$93,415.35	\$7,473.23	\$49.49	\$85,892.63	\$1,912,790.33	\$114,767.42	\$42,946.32	\$0.00	\$85,892.63	\$0.00
666	NAPLES	\$1,009,821.28	\$0.00	\$1,009,821.28	\$80,785.70	\$534.98	\$928,500.60	\$4,776,531.60	\$286,591.89	\$464,250.30	\$0.00	\$464,250.30	\$464,250.30
671	NEPTUNE BEACH	\$82,820.09	(\$82,820.09)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
675	NEW PORT RICHEY	\$158,505.23	\$0.00	\$158,505.23	\$12,680.42	\$83.97	\$145,740.84	\$1,954,213.00	\$117,252.78	\$72,870.42	\$0.00	\$117,252.78	\$28,488.06
676	NEW SMYRNA BEACH	\$322,585.45	\$0.00	\$322,585.45	\$25,806.84	\$170.90	\$296,607.71	\$4,497,229.54	\$269,833.77	\$148,303.86	\$0.00	\$269,833.77	\$26,773.94
687	NORTH MIAMI BEACH	\$541,736.49	\$0.00	\$541,736.49	\$43,338.92	\$287.00	\$498,110.57	\$0.00	\$0.00	\$249,055.29	\$0.00	\$249,055.29	\$249,055.28
690	NORTH PORT	\$404,336.14	\$0.00	\$404,336.14	\$32,346.89	\$214.21	\$371,775.04	\$8,722,494.73	\$523,349.67	\$185,887.52	\$0.00	\$371,775.04	\$0.00
691	NORTH REDINGTON BEACH	\$38,081.98	(\$38,081.98)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
693	OAKLAND PARK	\$424,867.82	\$0.00	\$424,867.82	\$33,989.43	\$225.08	\$390,653.31	\$4,959,895.00	\$297,593.69	\$195,326.66	\$0.00	\$297,593.69	\$93,059.62
695	OCALA	\$472,525.09	\$0.00	\$472,525.09	\$37,802.01	\$250.33	\$434,472.75	\$7,733,126.24	\$463,987.56	\$217,236.38	\$0.00	\$434,472.75	\$0.00
698	OCEAN RIDGE	\$78,886.29	(\$78,886.29)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

<i>City Code</i>	<i>City Name</i>	<i>Unadjusted Premium Tax</i>	<i>Reallocate</i>	<i>Adj. Premium</i>	<i>Service Charge</i>	<i>IPT Database Expense</i>	<i>Maximum Net Available to City</i>	<i>Payroll Limitations 2015 Calendar Year Payroll</i>	<i>6% of Calendar Year Payroll</i>	<i>Minimum 50% of Net Available to City</i>	<i>Due From City</i>	<i>Distribution Amount</i>	<i>FF Suppl. Trust Fund</i>
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
701	OCOE	\$248,992.61	\$56,783.28	\$305,775.89	\$24,462.07	\$161.99	\$281,151.83	\$5,740,546.64	\$344,432.79	\$140,575.92	\$0.00	\$281,151.83	\$0.00
706	OKEECHOBEE	\$59,648.91	\$0.00	\$59,648.91	\$4,771.91	\$31.60	\$54,845.40	\$803,660.72	\$48,219.64	\$27,422.70	\$0.00	\$48,219.64	\$6,625.76
709	OLDSMAR	\$149,779.01	\$0.00	\$149,779.01	\$11,982.32	\$79.35	\$137,717.34	\$735,094.00	\$44,105.64	\$68,858.67	\$0.00	\$68,858.67	\$68,858.67
722	ORANGE PARK	\$92,236.14	\$0.00	\$92,236.14	\$7,378.89	\$48.86	\$84,808.39	\$1,750,933.20	\$105,055.99	\$42,404.20	\$0.00	\$84,808.39	\$0.00
725	ORLANDO	\$2,588,272.97	\$0.00	\$2,588,272.97	\$207,061.84	\$1,371.20	\$2,379,839.93	\$87,905,257.00	\$5,274,315.30	\$1,189,919.97	\$0.00	\$2,379,839.93	\$0.00
728	ORMOND BEACH	\$472,300.55	\$0.00	\$472,300.55	\$37,784.04	\$250.21	\$434,266.30	\$5,098,372.00	\$305,902.31	\$217,133.15	\$0.00	\$305,902.31	\$128,363.99
736	OVIEDO	\$277,066.79	\$0.00	\$277,066.79	\$22,165.34	\$146.78	\$254,754.67	\$4,498,735.35	\$269,924.11	\$127,377.34	\$0.00	\$254,754.67	\$0.00
743	PALATKA	\$55,137.97	\$0.00	\$55,137.97	\$4,411.04	\$29.21	\$50,697.72	\$1,596,438.33	\$95,786.30	\$25,348.86	\$0.00	\$50,697.72	\$0.00
744	PALM BAY	\$776,937.64	\$0.00	\$776,937.64	\$62,155.01	\$411.60	\$714,371.03	\$8,464,996.81	\$507,899.80	\$357,185.52	\$0.00	\$507,899.80	\$206,471.23
746	PALM BEACH GRDNS	\$987,593.83	\$0.00	\$987,593.83	\$79,007.51	\$523.20	\$908,063.12	\$7,564,081.18	\$453,844.86	\$454,031.56	\$0.00	\$454,031.56	\$454,031.56
747	PALM BEACH SHORES	\$69,359.35	(\$69,359.35)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
748	PALM COAST	\$475,181.20	\$0.00	\$475,181.20	\$38,014.50	\$251.74	\$436,914.96	\$2,360,293.57	\$141,617.61	\$218,457.48	\$0.00	\$218,457.48	\$218,457.48
754	PANAMA CITY	\$360,529.24	\$0.00	\$360,529.24	\$28,842.34	\$191.00	\$331,495.90	\$6,400,967.85	\$384,058.06	\$165,747.95	\$0.00	\$331,495.90	\$0.00
755	PANAMA CITY BEACH	\$250,563.96	\$0.00	\$250,563.96	\$20,045.12	\$132.74	\$230,386.10	\$3,012,127.26	\$180,727.63	\$115,193.05	\$0.00	\$180,727.63	\$49,658.47
761	PARKLAND	\$391,128.93	(\$391,128.93)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
770	PEMBROKE PINES	\$1,641,375.54	\$0.00	\$1,641,375.54	\$131,310.04	\$869.56	\$1,509,195.94	\$16,900,651.00	\$1,014,039.04	\$754,597.97	\$0.00	\$1,014,039.04	\$495,156.90
773	PENSACOLA	\$785,116.85	\$0.00	\$785,116.85	\$62,809.35	\$415.94	\$721,891.56	\$9,941,316.94	\$596,479.00	\$360,945.78	\$0.00	\$596,479.00	\$125,412.56
776	PERRY	\$41,895.48	\$0.00	\$41,895.48	\$3,351.64	\$22.20	\$38,521.64	\$852,355.00	\$51,141.30	\$19,260.82	\$0.00	\$38,521.64	\$0.00
787	PINELLAS PARK	\$397,376.55	\$0.00	\$397,376.55	\$31,790.12	\$210.52	\$365,375.91	\$8,730,046.80	\$523,802.80	\$182,687.96	\$0.00	\$365,375.91	\$0.00
789	PLANTATION	\$1,136,374.02	\$0.00	\$1,136,374.02	\$90,909.92	\$602.02	\$1,044,862.08	\$1,371,225.00	\$82,273.50	\$522,431.04	\$0.00	\$522,431.04	\$522,431.04
790	PLANT CITY	\$259,577.95	\$0.00	\$259,577.95	\$20,766.24	\$137.52	\$238,674.19	\$3,830,340.62	\$229,820.43	\$119,337.10	\$0.00	\$229,820.43	\$8,853.76
796	POMPANO BEACH	\$1,432,160.62	\$23,596.71	\$1,455,757.33	\$116,460.59	\$771.22	\$1,338,525.52	\$19,598,874.20	\$1,175,932.43	\$669,262.76	\$0.00	\$1,175,932.43	\$162,593.09

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
801	PORT ORANGE	\$406,497.47	\$0.00	\$406,497.47	\$32,519.80	\$215.35	\$373,762.32	\$6,099,173.52	\$365,950.40	\$186,881.16	\$0.00	\$365,950.40	\$7,811.92
811	PUNTA GORDA	\$339,895.38	\$0.00	\$339,895.38	\$27,191.63	\$180.07	\$312,523.68	\$1,889,231.70	\$113,353.90	\$156,261.84	\$0.00	\$156,261.84	\$156,261.84
816	QUINCY	\$51,727.65	\$0.00	\$51,727.65	\$4,138.21	\$27.40	\$47,562.04	\$1,230,824.20	\$73,849.45	\$23,781.02	\$0.00	\$47,562.04	\$0.00
824	REDINGTON BEACH	\$36,976.77	(\$36,976.77)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
825	REDINGTON SHORES	\$50,983.86	(\$50,983.86)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
831	RIVIERA BEACH	\$320,890.36	\$69,359.35	\$390,249.71	\$31,219.98	\$206.74	\$358,822.99	\$5,788,591.00	\$347,315.45	\$179,411.50	\$0.00	\$347,315.45	\$11,507.54
836	ROCKLEDGE	\$235,842.14	\$0.00	\$235,842.14	\$18,867.37	\$124.94	\$216,849.83	\$2,219,284.68	\$133,157.08	\$108,424.92	\$0.00	\$133,157.08	\$83,692.75
844	SAFETY HARBOR	\$185,101.82	\$0.00	\$185,101.82	\$14,808.15	\$98.06	\$170,195.61	\$1,106,222.05	\$66,373.32	\$85,097.81	\$0.00	\$85,097.81	\$85,097.80
846	ST. AUGUSTINE	\$171,189.50	\$0.00	\$171,189.50	\$13,695.16	\$90.69	\$157,403.65	\$2,685,720.96	\$161,143.25	\$78,701.83	\$0.00	\$157,403.65	\$0.00
849	ST. CLOUD	\$209,259.49	\$0.00	\$209,259.49	\$16,740.76	\$110.86	\$192,407.87	\$6,305,276.31	\$378,316.57	\$96,203.94	\$0.00	\$192,407.87	\$0.00
855	ST. PETERSBURG	\$2,432,087.06	\$0.00	\$2,432,087.06	\$194,566.96	\$1,288.46	\$2,236,231.64	\$23,752,318.86	\$1,425,139.10	\$1,118,115.82	\$0.00	\$1,425,139.10	\$811,092.54
856	ST. PETE BEACH	\$210,816.50	\$0.00	\$210,816.50	\$16,865.32	\$111.69	\$193,839.49	\$2,878,756.00	\$172,725.36	\$96,919.75	\$0.00	\$172,725.36	\$21,114.13
865	SANFORD	\$291,655.57	\$0.00	\$291,655.57	\$23,332.45	\$154.51	\$268,168.61	\$7,723,910.09	\$463,434.60	\$134,084.31	\$0.00	\$268,168.61	\$0.00
869	SARASOTA	\$1,108,740.74	\$0.00	\$1,108,740.74	\$88,699.26	\$587.38	\$1,019,454.10	\$644,248.00	\$38,654.88	\$509,727.05	\$0.00	\$509,727.05	\$509,727.05
870	SATELLITE BEACH	\$164,613.83	\$0.00	\$164,613.83	\$13,169.11	\$87.21	\$151,357.51	\$1,646,198.36	\$98,771.90	\$75,678.76	\$0.00	\$98,771.90	\$52,585.61
871	SEA RANCH LAKES	\$23,596.71	(\$23,596.71)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
874	SEBRING	\$89,860.74	\$0.00	\$89,860.74	\$7,188.86	\$47.61	\$82,624.27	\$0.00	\$0.00	\$41,312.14	\$0.00	\$41,312.14	\$41,312.13
875	SEMINOLE	\$190,144.00	\$126,042.61	\$316,186.61	\$25,294.93	\$167.51	\$290,724.17	\$4,189,371.14	\$251,362.26	\$145,362.09	\$0.00	\$251,362.26	\$39,361.91
896	SOUTH PASADENA	\$54,868.58	\$0.00	\$54,868.58	\$4,389.49	\$29.07	\$50,450.02	\$1,191,832.01	\$71,509.92	\$25,225.01	\$0.00	\$50,450.02	\$0.00
900	STARKE	\$56,047.29	\$0.00	\$56,047.29	\$4,483.78	\$29.69	\$51,533.82	\$594,535.71	\$35,672.14	\$25,766.91	\$0.00	\$35,672.14	\$15,861.68
909	SUNRISE	\$873,785.13	\$0.00	\$873,785.13	\$69,902.81	\$462.91	\$803,419.41	\$25,944,396.80	\$1,556,663.77	\$401,709.71	\$0.00	\$803,419.41	\$0.00
916	TALLAHASSEE	\$1,007,138.98	\$0.00	\$1,007,138.98	\$80,571.12	\$533.56	\$926,034.30	\$18,602,995.00	\$1,116,179.68	\$463,017.15	\$0.00	\$926,034.30	\$0.00

Firefighters' 2015 Premium Tax Distribution Calculation

City Code	City Name	Unadjusted Premium Tax	Reallocate	Adj. Premium	Service Charge	IPT Database Expense	Maximum Net Available to City	Payroll Limitations 2015 Calendar Year Payroll	6% of Calendar Year Payroll	Minimum 50% of Net Available to City	Due From City	Distribution Amount	FF Suppl. Trust Fund
		A	B	C = A + B	D = C * 8%	E	F = C - D - E	G	H = G *6%	I = F*50%	J	K = (F,H, or I) - J	L = F - K
918	TAMPA	\$3,394,395.34	\$0.00	\$3,394,395.34	\$271,551.62	\$1,798.27	\$3,121,045.45	\$67,535,852.00	\$4,052,151.03	\$1,560,522.73	\$0.00	\$3,121,045.45	\$0.00
919	TAMARAC	\$716,368.85	\$0.00	\$716,368.85	\$57,309.51	\$379.51	\$658,679.83	\$9,169,074.72	\$550,144.47	\$329,339.92	\$0.00	\$550,144.47	\$108,535.36
920	TARPON SPRINGS	\$242,638.96	\$0.00	\$242,638.96	\$19,411.12	\$128.54	\$223,099.30	\$4,188,817.74	\$251,329.06	\$111,549.65	\$0.00	\$223,099.30	\$0.00
921	TAVARES	\$89,758.67	\$0.00	\$89,758.67	\$7,180.69	\$47.55	\$82,530.43	\$1,573,208.72	\$94,392.52	\$41,265.22	\$0.00	\$82,530.43	\$0.00
925	TEMPLE TERRACE	\$182,776.31	\$0.00	\$182,776.31	\$14,622.10	\$96.83	\$168,057.38	\$5,523,278.17	\$331,396.68	\$84,028.69	\$0.00	\$168,057.38	\$0.00
926	TEQUESTA	\$165,764.26	\$34,286.26	\$200,050.52	\$16,004.04	\$105.98	\$183,940.50	\$2,363,947.00	\$141,836.82	\$91,970.25	\$0.00	\$141,836.82	\$42,103.68
930	TITUSVILLE	\$554,033.44	\$0.00	\$554,033.44	\$44,322.67	\$293.51	\$509,417.26	\$5,169,512.84	\$310,170.76	\$254,708.63	\$0.00	\$310,170.76	\$199,246.50
938	VALPARAISO	\$52,666.61	\$0.00	\$52,666.61	\$4,213.33	\$27.90	\$48,425.38	\$159,766.00	\$9,585.96	\$24,212.69	\$0.00	\$24,212.69	\$24,212.69
941	VENICE	\$427,900.88	\$0.00	\$427,900.88	\$34,232.07	\$226.69	\$393,442.12	\$1,620,459.00	\$97,227.54	\$196,721.06	\$0.00	\$196,721.06	\$196,721.06
944	VERO BEACH	\$338,711.60	\$0.00	\$338,711.60	\$27,096.93	\$179.44	\$311,435.23	\$0.00	\$0.00	\$155,717.62	\$0.00	\$155,717.62	\$155,717.61
946	VILLAGE OF N. PALM BEACH	\$226,190.78	\$0.00	\$226,190.78	\$18,095.26	\$119.83	\$207,975.69	\$3,062,223.60	\$183,733.41	\$103,987.85	\$0.00	\$183,733.41	\$24,242.28
966	WEST PALM BEACH	\$1,693,334.48	\$19,544.12	\$1,712,878.60	\$137,030.29	\$907.44	\$1,574,940.87	\$27,390,003.00	\$1,643,400.14	\$787,470.44	\$0.00	\$1,574,940.87	\$0.00
978	WILTON MANORS	\$196,450.30	\$0.00	\$196,450.30	\$15,716.02	\$104.07	\$180,630.21	\$0.00	\$0.00	\$90,315.11	\$0.00	\$90,315.11	\$90,315.10
980	WINDERMERE	\$56,783.28	(\$56,783.28)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
984	WINTER GARDEN	\$252,439.38	\$0.00	\$252,439.38	\$20,195.15	\$133.74	\$232,110.49	\$3,949,972.00	\$236,998.31	\$116,055.25	\$0.00	\$232,110.49	\$0.00
985	WINTER HAVEN	\$351,827.26	\$0.00	\$351,827.26	\$28,146.18	\$186.39	\$323,494.69	\$6,439,546.60	\$386,372.79	\$161,747.35	\$0.00	\$323,494.69	\$0.00
986	WINTER PARK	\$432,874.68	\$0.00	\$432,874.68	\$34,629.97	\$229.33	\$398,015.38	\$6,886,264.00	\$413,175.83	\$199,007.69	\$0.00	\$398,015.38	\$0.00
		\$94,379,738.00	\$0.00	\$94,379,738.00	\$7,550,379.04	\$50,000.00	\$86,779,358.96	\$1,449,637,498.14	\$86,978,247.94	\$43,389,679.86	\$0.00	\$73,774,959.23	\$13,004,399.73

Firefighters' October 2016 Premium Tax Distributions

City Code	City Name	FF Suppl. Trust Fund	% of Total	Excess Available to Distribute
15	BOCA GRANDE FCD	1,631.39	0.01%	410.95
21	DESTIN FCD	122,651.12	0.94%	30,896.12
23	EAST LAKE TARPON FCD	62,327.32	0.48%	15,700.40
24	GREATER NAPLES FCD	424,461.51	3.26%	106,922.89
25	EAST NICEVILLE FCD	36,469.37	0.28%	9,186.72
27	ENGLEWOOD FCD	192,810.77	1.48%	48,569.50
33	HOLLEY-NAVARRE FCD	138,808.54	1.07%	34,966.21
43	MIDWAY FCD	111,879.32	0.86%	28,182.67
47	NORTH BAY FCD	73,789.47	0.57%	18,587.75
50	NORTH COLLIER FCD	408,830.18	3.14%	102,985.32
53	NORTH RIVER FCD	546.72	0.00%	137.72
55	OCEAN CITY-WRIGHT FCD	95,058.68	0.73%	23,945.51
60	PALM HARBOR FCD	309,145.89	2.38%	77,874.60
64	SAN CARLOS PARK FCD	119,030.43	0.92%	29,984.06
67	SOUTH WALTON FCD	371.01	0.00%	93.46
69	SOUTHERN MANATEE FCD	94,481.23	0.73%	23,800.05
94	WEST MANATEE FCD	224,202.74	1.72%	56,477.22
119	ARCADIA	23,024.66	0.18%	5,799.97
130	AUBURNDALE	116,217.20	0.89%	29,275.40
148	BARTOW	23,672.88	0.18%	5,963.26
183	BOCA RATON	40,966.43	0.32%	10,319.54
192	BRADENTON	178.63	0.00%	45.01
210	BUNNELL	8,706.60	0.07%	2,193.21
222	CAPE CORAL	156,820.75	1.21%	39,503.53
238	CHATTAHOOCHEE	4,375.73	0.03%	1,102.26
258	COCOA BEACH	101,380.86	0.78%	25,538.09
265	COOPER CITY	190,620.62	1.47%	48,017.80
268	CORAL GABLES	126,553.65	0.97%	31,879.17
270	CORAL SPRINGS	389,747.45	3.00%	98,178.33
278	CRESCENT CITY	15,912.99	0.12%	4,008.52
279	CRESTVIEW	345.74	0.00%	87.09
287	DADE CITY	34,026.71	0.26%	8,571.41
288	DANIA BEACH	98,123.84	0.75%	24,717.63
296	DEERFIELD BEACH	254,898.57	1.96%	64,209.57
303	DELTONA	10,934.45	0.08%	2,754.41
316	DUNEDIN	63,913.25	0.49%	16,099.90
317	DUNNELLON	12,575.01	0.10%	3,167.68
359	FERNANDINA BEACH	23,239.74	0.18%	5,854.15
361	FLAGLER BEACH	28,527.69	0.22%	7,186.19

Firefighters' October 2016 Premium Tax Distributions

City Code	City Name	FF Suppl. Trust Fund	% of Total	Excess Available to Distribute
371	FORT LAUDERDALE	660,520.46	5.08%	166,386.72
379	FORT WALTON BEACH	11,319.04	0.09%	2,851.29
385	FRUITLAND PARK	12,985.73	0.10%	3,271.14
416	GREENACRES	106,747.98	0.82%	26,890.08
427	GULFPORT	38,113.00	0.29%	9,600.76
438	HAVANA	34,627.91	0.27%	8,722.86
458	HOLLY HILL	26,346.47	0.20%	6,636.74
459	HOLLYWOOD	140,153.62	1.08%	35,305.04
464	HOMESTEAD	191,176.76	1.47%	48,157.89
477	INDIALANTIC	29,546.15	0.23%	7,442.75
480	INDIAN RIVER SHORES	130,961.37	1.01%	32,989.49
492	JACKSONVILLE BEACH	158,602.24	1.22%	39,952.29
505	KEY BISCAYNE	135,858.57	1.04%	34,223.11
509	KEY WEST	215,341.97	1.66%	54,245.17
521	LABELLE	13,188.42	0.10%	3,322.20
526	LAKE ALFRED	232.13	0.00%	58.47
530	LAKE CITY	38,385.34	0.30%	9,669.36
544	LAKE WALES	10,156.18	0.08%	2,558.37
545	LAKE WORTH	114,437.73	0.88%	28,827.14
553	LARGO	76,441.39	0.59%	19,255.77
554	LAUDERDALE BY THE SEA	68,620.20	0.53%	17,285.60
579	LONGWOOD	8,938.50	0.07%	2,251.63
590	LYNN HAVEN	83,123.33	0.64%	20,938.97
603	MARATHON	130,989.65	1.01%	32,996.61
604	MARCO ISLAND	287,839.29	2.21%	72,507.42
620	MELBOURNE	138,002.88	1.06%	34,763.26
649	MONTICELLO	15,421.39	0.12%	3,884.69
666	NAPLES	464,250.30	3.57%	116,945.78
675	NEW PORT RICHEY	28,488.06	0.22%	7,176.21
676	NEW SMYRNA BEACH	26,773.94	0.21%	6,744.42
687	NORTH MIAMI BEACH	249,055.28	1.92%	62,737.63
693	OAKLAND PARK	93,059.62	0.72%	23,441.95
706	OKEECHOBEE	6,625.76	0.05%	1,669.05
709	OLDSMAR	68,858.67	0.53%	17,345.67
728	ORMOND BEACH	128,363.99	0.99%	32,335.20
744	PALM BAY	206,471.23	1.59%	52,010.61
746	PALM BEACH GRDNS	454,031.56	3.49%	114,371.66
748	PALM COAST	218,457.48	1.68%	55,029.97
755	PANAMA CITY BEACH	49,658.47	0.38%	12,509.09

Firefighters' October 2016 Premium Tax Distributions

City Code	City Name	FF Suppl. Trust Fund	% of Total	Excess Available to Distribute
770	PEMBROKE PINES	495,156.90	3.81%	124,731.23
773	PENSACOLA	125,412.56	0.96%	31,591.73
789	PLANTATION	522,431.04	4.02%	131,601.66
790	PLANT CITY	8,853.76	0.07%	2,230.28
796	POMPANO BEACH	162,593.09	1.25%	40,957.60
801	PORT ORANGE	7,811.92	0.06%	1,967.84
811	PUNTA GORDA	156,261.84	1.20%	39,362.74
831	RIVIERA BEACH	11,507.54	0.09%	2,898.78
836	ROCKLEDGE	83,692.75	0.64%	21,082.41
844	SAFETY HARBOR	85,097.80	0.65%	21,436.34
855	ST. PETERSBURG	811,092.54	6.24%	204,316.19
856	ST. PETE BEACH	21,114.13	0.16%	5,318.70
869	SARASOTA	509,727.05	3.92%	128,401.49
870	SATELLITE BEACH	52,585.61	0.40%	13,246.44
874	SEBRING	41,312.13	0.32%	10,406.63
875	SEMINOLE	39,361.91	0.30%	9,915.36
900	STARKE	15,861.68	0.12%	3,995.60
919	TAMARAC	108,535.36	0.83%	27,340.32
926	TEQUESTA	42,103.68	0.32%	10,606.02
930	TITUSVILLE	199,246.50	1.53%	50,190.68
938	VALPARAISO	24,212.69	0.19%	6,099.24
941	VENICE	196,721.06	1.51%	49,554.52
944	VERO BEACH	155,717.61	1.20%	39,225.65
946	VILLAGE OF N. PALM BCH	24,242.28	0.19%	6,106.69
978	WILTON MANORS	90,315.10	0.69%	22,750.59
TOTAL		13,004,399.73	100.00%	3,275,840.06

THIS DISTRIBUTION IS BEING DONE PURSUANT TO FLORIDA STATUTES
SEC. 633.422(3)(c)(2).

FUND BALANCE

**POLICE AND FIRE PENSION FUND BALANCES
AT MARKET VALUE AS OF FISCAL YEAR END 2015**

City / District	Police Plans	Fire Plans	General Plans	Combined Plans	Totals
Altamonte Springs	13,871,655	0	0	0	13,871,655
Apopka	39,861,274	30,520,568	0	0	70,381,842
Arcadia	0	0	0	8,697,324	8,697,324
Atlantic Beach	8,005,081	0	0	0	8,005,081
Auburndale	9,935,560	6,091,062	0	0	16,026,622
Aventura	10,358,505	0	0	0	30,085,758
Avon Park	6,016,713	4,820,917	0	0	10,837,630
Bal Harbour Village	17,696,179	0	0	0	17,696,179
Bartow	15,518,973	8,014,919	0	0	23,533,892
Bay Harbor Islands	767,166	0	0	16,204,276	16,971,442
Belleair	3,024,835	0	0	0	3,024,835
Belleair Bluffs	0	0	0	0	0
Bellevue	3,218,778	0	0	0	3,218,778
Boca Grande FCD	4,843,055	0	0	0	4,843,055
Boca Raton	0	0	0	314,347,466	314,347,466
Bonita Springs FCD	0	52,133,912	0	0	52,133,912
Boynton Beach	78,209,708	80,406,693	0	0	158,616,401
Bradenton	61,173,337	43,293,980	0	0	104,467,317
Brooksville	4,785,988	5,932,828	0	0	10,718,816
Bunnell	0	531,095	0	0	531,095
Bushnell	0	0	0	0	0
Cape Coral	125,881,321	130,916,796	0	0	256,798,116
Casselberry	0	0	0	17,177,327	17,177,327
Chattahoochee	0	414,853	0	0	414,853
Clearwater	0	39,327,249	0	840,268,849	879,596,098
Clermont	13,861,636	10,378,279	0	0	24,239,915
Cocoa	26,070,732	15,500,912	0	0	41,571,644
Cocoa Beach	10,602,767	10,619,106	0	0	21,221,873
Cooper City	25,152,309	22,612,283	0	0	47,764,592
Coral Gables	4,875,719	16,845,726	0	329,659,975	351,381,420
Coral Springs	175,178,897	70,220,778	0	0	245,399,675
Crescent City	820,725	490,476	0	0	1,311,201
Crestview	0	0	0	16,283,086	16,283,086
Dade City	7,728,062	5,355,944	0	0	13,084,007
Dania Beach	0	0	0	33,858,630	33,858,630
Davie	121,246,764	78,752,749	0	0	199,999,513
Daytona Beach	0	0	0	160,434,960	160,434,960
Deerfield Beach	37,645,323	99,661,364	0	0	137,306,687
Deland	21,239,451	12,644,487	0	0	33,883,938
Delray Beach	0	0	0	173,364,516	173,364,516
Deltona	0	21,007,460	0	0	21,007,460
Destin FCD	0	13,337,417	0	0	13,337,417
Dunedin	0	23,748,675	0	0	23,748,675
Dunellon	0	0	0	2,055,582	2,055,582
East Lake Tarpon FCD	0	12,786,472	0	0	12,786,472
East Naples FCD	0	20,500,333	0	0	20,500,333
East Niceville Fire District	0	676,381	0	0	676,381
Eatonville	1,394,243	0	0	0	1,394,243
Edgewater	7,877,373	9,720,401	0	0	17,597,774
Englewood FCD	0	22,054,769	0	0	22,054,769
Estero FCD	0	16,978,831	0	0	16,978,831
Eustis	15,439,714	7,134,067	0	0	22,573,781
Fernandina Beach	0	0	0	18,999,041	18,999,041
Flagler Beach	2,713,754	1,258,087	0	0	3,971,841
Frostproof	3,510,000	0	0	0	3,510,000
Fruitland Park	0	444,419	0	0	444,419
Ft. Lauderdale	0	0	0	774,549,469	774,549,469
Ft. Meade	1,257,490	348,216	0	0	1,605,706

**POLICE AND FIRE PENSION FUND BALANCES
AT MARKET VALUE AS OF FISCAL YEAR END 2015**

City / District	Police Plans	Fire Plans	General Plans	Combined Plans	Totals
Ft. Myers	97,029,125	72,683,808	0	0	169,712,933
Ft. Pierce	11,637,447	0	0	174,633,807	186,271,254
Ft. Walton Beach	19,119,281	13,590,508	0	0	32,709,789
Gainesville	0	0	0	205,667,930	205,667,930
Golden Beach	243,988	0	0	7,188,350	7,432,338
Green Cove Springs	3,488,513	0	0	0	3,488,513
Greenacres	0	0	0	22,618,082	22,618,082
Gulf Port	8,421,235	3,378,632	0	0	11,799,867
Gulfbreeze	3,932,941	0	0	0	3,932,941
Haines City	7,852,058	5,054,095	0	0	12,906,153
Hallandale Beach	0	0	0	132,081,494	132,081,494
Havana	0	897,544	0	0	897,544
Hialeah	596,910,209	22,817,952	0	0	619,728,161
Hialeah Gardens	14,283,500	0	0	0	14,283,500
Holly Hill	5,545,841	3,738,304	0	0	9,284,145
Hollywood	245,410,242	200,467,117	0	0	445,877,359
Holley-Navarre	0	0	0	0	0
Holmes Beach	7,508,955	0	0	0	7,508,955
Homestead	76,560,428	7,829,223	0	0	84,389,651
Howey-in-the-Hills	1,188,957	0	0	0	1,188,957
Indialantic	0	0	0	6,684,334	6,684,334
Indian Harbour Beach	7,849,423	0	0	0	7,849,423
Indian River Shores	0	0	0	11,745,654	11,745,654
Indian Shores	2,445,854	0	0	0	2,445,854
Jacksonville	0	0	0	1,437,776,631	1,437,776,631
Jacksonville Beach	18,751,766	10,699,823	0	0	29,451,589
Jupiter	57,068,208	0	0	0	57,068,208
Key Biscayne	0	0	0	27,925,747	27,925,747
Key West	0	0	0	80,595,871	80,595,871
Kissimmee	52,110,940	35,206,310	0	0	87,317,250
LaBelle	0	1,019,011	0	0	1,019,011
Lady Lake	6,390,095	0	0	0	6,390,095
Lake Alfred	0	0	0	3,188,051	3,188,051
Lake City	12,561,895	7,615,889	0	0	20,177,784
Lake Helen	1,094,823	0	0	0	1,094,823
Lake Mary	16,357,983	13,359,438	0	0	29,717,421
Lake Wales	13,109,693	7,515,163	0	0	20,624,856
Lake Worth	29,854,278	41,463,890	0	0	71,318,168
Lakeland	102,156,394	84,190,930	0	0	186,347,323
Lantana	11,189,518	32,438,197	0	0	43,627,715
Largo	0	0	0	107,652,608	107,652,608
Lauderdale-by-the-Sea	0	1,777,611	0	0	1,777,611
Lauderhill	51,228,241	63,881,885	0	0	115,110,126
Leesburg	17,095,285	16,252,503	0	0	67,168,003
Longboat Key	0	0	0	0	0
Longwood	0	0	0	11,485,081	11,485,081
Lynn Haven	7,222,753	5,298,052	0	0	12,520,805
Maccleddy	0	0	0	0	0
Madison	3,166,645	1,503,689	0	0	4,670,334
Maitland	0	0	0	24,827,792	24,827,792
Marathon	0	5,971,359	0	0	5,971,359
Marco Island	8,724,015	12,991,174	0	0	21,715,189
Marianna	3,860,109	3,097,474	0	0	6,957,583
Medley	18,914,190	0	0	0	18,914,190
Melbourne	66,127,077	58,341,219	0	0	124,468,296
Melbourne Beach	2,570,543	0	0	0	2,570,543
Miami	94,917,558	123,968,885	0	1,674,671,617	1,893,558,060
Miami Beach	7,290,448	14,180,535	0	750,617,498	772,088,481
Miami Shores Village	19,054,942	0	0	0	19,054,942

**POLICE AND FIRE PENSION FUND BALANCES
AT MARKET VALUE AS OF FISCAL YEAR END 2015**

City / District	Police Plans	Fire Plans	General Plans	Combined Plans	Totals
Miami Springs	0	0	0	27,671,000	27,671,000
Midway FCD	0	3,660,966	0	0	3,660,966
Milton	6,888,866	3,774,535	0	0	10,663,400
Miramar	120,593,577	104,321,909	0	0	224,915,486
Monticello	1,807,983	721,101	0	0	2,529,084
Mt. Dora	8,339,255	6,644,095	0	0	14,983,350
Naples	41,163,828	44,390,030	0	0	85,553,858
Neptune Beach	7,719,392	0	0	0	7,719,392
New Port Richey	23,075,102	10,632,212	0	0	33,707,314
New Smyrna Beach	15,886,607	18,122,140	0	0	34,008,748
North Bay FCD	0	3,447,407	0	0	3,447,407
North Miami	62,952,612	2,720,781	0	90,680,459	156,353,852
North Miami Beach	0	0	0	91,249,149	91,249,149
North Naples FCD	0	51,532,449	0	0	51,532,449
North Port	31,992,095	38,809,499	0	0	70,801,594
North River FCD	0	15,456,439	0	0	15,456,439
Oakland Park	13,824,311	0	0	57,128,246	70,952,557
Ocala	57,888,546	45,589,356	0	0	103,477,902
Ocean City -Wright FCD	0	8,192,661	0	0	8,192,661
Ocoee	0	0	0	41,612,164	41,612,164
Okaloosa Island FCD	0	6,432,159	0	0	6,432,159
Okeechobee	7,691,340	3,250,849	0	0	10,942,189
Oldsmar	0	4,594,042	0	0	4,594,042
Orange Park	0	5,853,912	0	0	5,853,912
Orlando	477,051,308	336,232,142	0	0	813,283,450
Ormond Beach	27,159,717	23,887,029	0	0	51,046,746
Oviedo	18,239,570	10,787,652	0	0	29,027,222
Palatka	9,633,330	6,986,158	0	0	16,619,488
Palm Bay	90,683,060	71,838,342	0	0	162,521,402
Palm Beach	59,516,573	56,828,381	0	0	116,344,954
Palm Beach Gardens	74,092,896	72,969,734	0	0	147,062,630
Palm Coast	0	3,972,894	0	0	3,972,894
Palm Harbor FCD	0	15,628,402	0	0	15,628,402
Palmetto	10,481,643	0	0	0	10,481,643
Panama City	29,303,443	32,285,198	0	0	61,588,640
Panama City Beach	16,344,206	13,673,096	0	0	30,017,303
Parkland	1,964,799	0	0	0	1,964,799
Pembroke Pines	0	0	0	495,206,739	495,206,739
Pensacola	80,130,799	109,387,101	0	0	189,517,900
Perry	6,793,248	2,968,133	0	0	9,761,381
Pinellas Park	54,087,769	50,709,146	0	0	104,796,915

**POLICE AND FIRE PENSION FUND BALANCES
AT MARKET VALUE AS OF FISCAL YEAR END 2015**

City / District	Police Plans	Fire Plans	General Plans	Combined Plans	Totals
Plant City	32,176,629	0	0	0	32,176,629
Plantation	119,849,078	18,231,928	0	0	138,081,006
Pompano Beach	0	0	0	219,256,301	219,256,301
Ponce Inlet	0	0	0	0	0
Port Orange	28,157,398	23,201,184	0	0	51,358,582
Port St. Lucie	70,388,338	0	0	0	70,388,338
Punta Gorda	14,141,023	10,696,464	0	0	24,837,487
Quincy	0	0	0	6,619,947	6,619,947
Riviera Beach	69,554,949	72,693,756	0	0	142,248,705
Rockledge	10,698,703	9,790,113	0	0	20,488,816
Royal Palm Beach	284,841	0	0	0	284,841
Safety Harbor	0	6,505,087	0	0	6,505,087
San Carlos Park FCD	0	12,240,204	0	0	12,240,204
Sanford	38,785,217	26,930,074	0	0	65,715,290
Sanibel	15,555,489	0	0	0	15,555,489
Sarasota	192,783,295	129,836,450	0	0	322,619,745
Satellite Beach	0	0	0	13,640,167	13,640,167
Sebastian	11,284,027	0	0	0	11,284,027
Sebring	13,546,202	0	0	0	13,546,202
Seminole	0	35,229,228	0	0	35,229,228
Shalimar	0	0	0	0	0
South Miami	774,364	0	0	32,102,764	32,877,128
South Pasadena	0	6,234,960	0	0	6,234,960
South Walton FCD	0	33,670,566	0	0	33,670,566
Southern Manatee FCD	0	26,275,395	0	0	26,275,395
St. Augustine	15,623,798	10,809,134	0	0	26,432,932
St. Cloud	0	0	0	38,269,866	38,269,866
St. Lucie County FCD	0	191,750,150	0	0	191,750,150
St. Pete Beach	11,133,316	10,621,034	0	0	21,754,350
St. Petersburg	363,964,272	229,986,610	0	0	593,950,882
Starke	3,488,392	2,505,470	0	0	5,993,862
Sunrise	110,239,064	108,526,799	0	0	218,765,863
Surfside	207,546	0	0	16,493,489	16,701,035
Sweetwater	8,005,848	0	0	0	8,005,848
Tallahassee	276,238,190	187,883,942	0	0	464,122,132
Tamarac	4,828,889	79,636,905	0	0	84,465,794
Tampa	0	0	0	1,727,529,224	1,727,529,224
Tarpon Springs	23,692,133	21,580,687	0	0	45,272,820
Tavares	9,835,038	5,457,013	0	0	15,292,051
Temple Terrace	21,021,213	19,696,764	0	0	40,717,977
Tequesta	0	0	0	11,532,425	11,532,425
Titusville	0	0	0	48,598,096	48,598,096
Umatilla	1,578,430	0	0	0	1,578,430
Valparaiso	0	0	0	1,918,093	1,918,093
Venice	30,020,198	17,706,658	0	0	47,726,856
Vero Beach	35,211,438	7,176,961	0	0	42,388,399
Village of N. Palm Beach	0	0	0	17,706,557	17,706,557
Village of Palm Springs	0	0	0	20,416,169	20,416,169
Wauchula	2,208,251	0	0	15,880,274	18,088,524
West Manatee FCD	0	10,820,703	0	0	10,820,703
West Melbourne	10,627,630	0	0	0	10,627,630
West Palm Beach	258,834,220	176,170,051	0	0	435,004,271
Williston	1,922,410	0	0	0	1,922,410
Wilton Manors	0	1,403,369	0	0	1,403,369
Winter Garden	0	0	0	31,056,478	31,056,478
Winter Haven	28,182,252	23,668,261	0	0	51,850,513
Winter Park	42,256,882	46,938,709	0	0	89,195,591
Totals	5,842,433,323	4,516,887,297	0	10,389,828,653	20,802,696,741

List of Advisors

2015 Annual Reports			DRAFT		
CITY	ACTUARY	ASSIGNED ACTUARY	CPA	MONEY MANAGER	PERFORMANCE EVALUATION
Altamonte Springs Police	Actuarial Concepts	Michael Tierney	NCT Group CPA's, LLP	Bowen, Hanes & Co.	Bogdahn Group
Apopka Fire	Prudential Retirement	Alex Kirimov	Shumacker, Johnston & Ross	Prudential Retirement	Insurance Office of America
Apopka Police	Prudential Retirement	Alex Kirimov	Shumacker, Johnston & Ross	Prudential Retirement	Insurance Office of America
Arcadia Police & Fire	Foster & Foster	Doug Lozen	Mauldin & Jenkins CPA, LLC	See Report	Bogdahn Group
Atlantic Beach Police	Gabriel, Roeder, Smith & Co.	Piotr Krekora	Purvis Gray & Co.	See Report	Morgan Stanley Smith Barney
Auburndale Fire	Foster & Foster	Brad Heinrichs	Mike Brynjulfson	Bowen, Hanes & Co. / Dana Investment Advisors, Inc	Bogdahn Group
Auburndale Police	Foster & Foster	Brad Heinrichs	Mike Brynjulfson	Bowen, Hanes & Co. / Dana Investment Advisors, Inc	Bogdahn Group
Aventura Police	Foster & Foster	Patrick Donlan	Steven I. Gordon	See Report	Graystone Consulting
Avon Park Fire	Foster & Foster	Brad Heinrichs	Mike Brynjulfson	Bowen, Hanes & Co/Sawgrass Asset/Dana Invest	Bogdahn Group
Avon Park Police	Foster & Foster	Brad Heinrichs	Mike Brynjulfson	ICC Capital Management	Bogdahn Group
Bal Harbour Village Police	Foster & Foster	Brad Heinrichs	Michael Futterman	Sawgrass Asset Management	Thistle Asset Consulting
Bartow Fire	Foster & Foster	Brad Heinrichs	Mike Brynjulfson	See Report	Bogdahn Group
Bartow Police	Foster & Foster	Brad Heinrichs	Mike Brynjulfson	See Report	Bogdahn Group
Bay Harbor Islands Police	Southern Actuarial Services	Charles T. Carr	Marcum, LLP	See Report	Dahab Associates, Inc.
Bay Harbor Islands P&G	Southern Actuarial Services	Charles T. Carr	Marcum, LLP	See Report	Dahab Associates, Inc.
Belleair Bluffs Fire	Foster & Foster	Terminated Plan	Wells, Houser & Schatzel	Dana Investment Advisors	Bogdahn Group
Belleair Police	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	Dana Investment Advisors	Bogdahn Group
Bellevue Police	Foster & Foster	Brad Heinrichs	Purvis, Gray & Co.	Regions Bank - Sue Castner	Burgess Chambers & Associates
Boca Grande Fire District	Foster & Foster	Patrick Donlan	Suplee, Shea, Cramer & Rocklein, P.A.	Caldwell Trust Company - Susan Hines	See Report
Boca Raton Police & Fire	Aon Hewitt Consulting	John Lessl	Michael Futterman	See Report	Asset Consulting Group
Bonita Springs Fire District	Foster & Foster	Brad Heinrichs	Ashley & Brown PA	See Report	Bogdahn Group
Boynton Beach Fire	Gabriel, Roeder, Smith & Co.	Peter Strong	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
Boynton Beach Police	Gabriel, Roeder, Smith & Co.	Peter Strong	Davidson, Jamieson & Cristini	Russel Investment Group	Burgess Chambers & Associates
Bradenton Fire	Foster & Foster	Bradley Heinrichs	Hurd, Hawkins, Meyers & Radosevich	See Report	Bogdahn Group
Bradenton Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Mauldin & Jenkins CPA, LLC	See Report	Burgess Chambers Inc.
Brooksville Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	Agincourt Capital Management/Dana Investment	Bogdahn Group
Brooksville Police	Foster & Foster	Patrick Donlan	Clifton, Larson, Allen, LLP	Salem Trust	The PFM Group
Bunnell Fire	Foster & Foster	Brad Heinrichs	N/A	Vanguard	Bogdahn Group
Bushnell Police	Foster & Foster	Patrick Donlan	Purvis, Gray & Co.	NWQ	Morgan Stanley
Cape Coral Fire	Foster & Foster	Brad Heinrichs	Clifton, Larson, Allen, LLP	See Report	Southeastern Advisory Services
Cape Coral Police	Foster & Foster	Brad Heinrichs	Clifton, Larson, Allen, LLP	See Report	Southeastern Advisory Services
Casselberry Police & Fire	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	Manning & Napier/American Realty/Wells Fargo	Bogdahn Group
Chattahoochee Fire	Foster & Foster	Patrick Donlan	Bruce D. Mann, CPA	Board of Trustees	N/A
Clearwater Fire Share	N/A	N/A	Mayer, Hoffman, McCann, P.C.	The Boston Company	SE Advisory Services
Clearwater Fire Supplemental	Mouton & Co., Inc.	Stephen Metz	Mayer, Hoffman, McCann, P.C.	See Report	N/A
Clearwater Police Share	N/A	N/A	Mayer, Hoffman, McCann, P.C.	Invesco	Southeastern Advisory Svcs.
Clearwater Police, Fire & Gen.	Gabriel, Roeder, Smith & Co.	Peter Strong	Mayer, Hoffman, McCann, P.C.	City - Clem Vericker	Captrust
Clermont Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Clermont Police	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Cocoa Beach Fire	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	Copeland Asset Management	Bogdahn Group
Cocoa Beach Police	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	Copeland Capital Mgmt.	Bogdahn Group
Cocoa Fire	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	See Report	Dahab Associates, Inc.
Cocoa Police	Foster & Foster	Brad Heinrichs	Hoyman, Dobson & Co.	See Report	Burgess Chambers & Associates
Cooper City Fire	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Steven I. Gordon	See Report	Burgess Chambers & Associates
Cooper City Police	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Steven I. Gordon	See Report	Dahab Associates, Inc.
Coral Gables Fire Share	N/A	N/A	Catarineau & Givens	Massachusetts Mutual	N/A
Coral Gables Pol,Fire,General	Gabriel, Roeder, Smith & Co.	Peter Strong	Goldstein Schechter Koch	See Report	Bogdahn Group
Coral Gables Police Share	N/A	N/A	Steven I. Gordon	Vanguard	Burgess Chambers & Associates
Coral Springs Fire	Southern Actuarial Services	Charles T. Carr	Steven I. Gordon	See Report	Bogdahn Group
Coral Springs Police	Southern Actuarial Services	Charles T. Carr	Steven I. Gordon	See Report	Bogdahn Group
Crescent City Fire	Foster & Foster	Patrick Donlan	R.R. Moats, CPA, PA	Riverplace Capital Management	Bogdahn Group
Crescent City Police	Foster & Foster	Brad Heinrichs	R.R. Moats, CPA, PA	Riverplace Capital Management	Bogdahn Group
Crestview Police & Fire	Foster & Foster	Jason Franken	Carr, Riggs & Ingram	Fifth Third Bank	Bogdahn Group
Dade City Fire	Foster & Foster	Brad Heinrichs	Williams, McCranie, Wardlow & Cash, P.A.	See Report	Wells Fargo Advisors
Dade City Police	Foster & Foster	Bradley Heinrichs	Williams, McCranie, Wardlow & Cash, P.A.	See Report	Wells Fargo Advisors
Dania Beach Police & Fire	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Steven I. Gordon	See Report	Dahab Associates
Davie Fire	DuLaney & Company	Donald A. Dulaney	Goldstein Schechter Koch	See Report	Southeastern Advisory Services
Davie Police	DuLaney & Company	Donald A. Dulaney	Goldstein Schechter Koch	See Report	Dahab Associates, Inc.
Daytona Beach Police & Fire	Nyhart	David Harris	Goldstein Schechter Koch	See Report	Milliman, Inc.
Deerfield Beach Fire	Freiman Little Actuaries	Paula Freiman	Steven I. Gordon	See Report	Burgess Chambers & Associates
Deerfield Beach Police	Foster & Foster	Doug Lozen	Goldstein Schechter Koch	See Report	Bogdahn Group
DeLand Fire	Foster & Foster	Doug Lozen	Dreggors, Riggsby & Teal	See Report	Morgan Stanley Smith Barney
DeLand Police	Gabriel, Roeder, Smith & Co.	Larry Wilson	James Moore & Co.	See Report	Burgess Chambers & Associates
Delray Beach Police & Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
Deltona Fire	Foster & Foster	Brad Heinrichs	Purvis, Gray & Co.	Salem Trust	Bogdahn Group

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Destin Fire District	Foster & Foster	Jason Franken	Carr, Riggs & Ingram	Bowen, Hanes & Co.	Bogdahn Group
Dunedin Fire	Foster & Foster	Patrick Donlan	Davidson, Jamieson & Cristini	Rockwood Capital Advisors	Thistle Asset Consulting
Dunnellon Police & Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
East Lake Tarpon Fire District	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	Dana Investment Advisors/Intercontinental Real Estate	Bogdahn Group
East Naples Fire District	Foster & Foster	Brad Heinrichs	Tuscan & Co.	See Report	Burgess Chambers & Associates
East Niceville Fire District	Foster & Foster	Patrick Donlan	Carr, Riggs & Ingram	N/A	N/A
Eatonville Police	Foster & Foster	Brad Heinrichs	N/A	ICC Capitol Management	Morgan Stanley Smith Barney
Edgewater Fire	Foster & Foster	Brad Heinrichs	James Moore & Co.	Bowen, Hanes & Co.	Bogdahn Group
Edgewater Police	Foster & Foster	Brad Heinrichs	James Moore & Co.	See Report	Bogdahn Group
Englewood Fire	Foster & Foster	Brad Heinrichs	Stroemer & Co.	See Report	Bogdahn Group
Estero Fire District	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Eustis Fire	Foster & Foster	Patrick Donlan	Purvis, Gray & Co.	Dana Investment Advisors	Bogdahn Consulting
Eustis Police	Gabriel, Roeder, Smith & Co.	Peter Strong	Purvis, Gray & Co.	See Report	Wells Fargo Advisors
Fernandina Beach P&F	Foster & Foster	Doug Lozen	Purvis, Gray & Co.	ICC Capital Management	Bogdahn Group
Flagler Beach Fire	Foster & Foster	Brad Heinrichs	Dufresne & Associates	Bowen, Hanes & Co.	Bogdahn Group
Flagler Beach Police	Foster & Foster	Brad Heinrichs	Dufresne & Associates	The Vangaurd Group	Bogdahn Group
Frostproof Police	Foster & Foster	Brad Heinrichs	Wiggins, Smith, Elam, Reineke & Co.	See Report	Graystone Consulting
Fruitland Park Fire	Foster & Foster	Patrick Donlan	Shumacker, Johnston & Ross	N/A	N/A
Ft. Lauderdale Police & Fire	Foster & Foster	Bradley Heinrichs	Marcum LLP	See Report	Cap Trust
Ft. Meade Fire	Stanley, Hunt, Dupree & Rhine	Paul B. Burdulis	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Ft. Meade Police	Stanley, Hunt, Dupree & Rhine	Paul B. Burdulis	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Ft. Myers Fire	Foster & Foster	Patrick Donlan	Mayer, Hoffman, McCann, P.C.	See Report	The Bogdahn Group
Ft. Myers Police	Foster & Foster	Brad Heinrichs	Mayer, Hoffman, McCann, P.C.	See Report	Burgess Chambers & Associates
Ft. Pierce Police	Gabriel, Roeder, Smith & Co.	Peter Strong	DiBartolomeo, McBee, Hartley & Barnes	C.S. McKee	Burgess Chambers & Associates
Ft. Pierce Police, Fire & Gen.	Gabriel, Roeder, Smith & Co.	Brad Armstrong	DiBartolomeo, McBee, Hartley & Barnes	See Report	Callan & Associates
Ft. Walton Beach Fire	Foster & Foster	Brad Heinrichs	Warren, Averett, O'Sullivan & Creel LLC	See Report	Bogdahn Group
Ft. Walton Beach Police	Foster & Foster	Brad Heinrichs	Warren Averett, LLC	See Report	Bogdahn Group
Gainesville Police & Fire	Buck Consultants	Joseph Griffin	Carr, Riggs & Ingram	See Report	Towers Watson
Golden Beach Police & General	Stanley, Hunt, Dupree & Rhine	Deborah Calhoun	Keefe, McCullough & Co., LLP	See Report	Morgan Stanley Dean Witter
Golden Beach Police Share	N/A	N/A	Keith McCullough	See Report	Graystone Consulting
Green Cove Springs Police	Southern Actuarial Services for FLC	Charles T. Carr	Purvis, Gray & Co.	FL Municipal Investment Trust	Asset Consulting Group for FLC
Greenacres Police & Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Gulf Breeze Police	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Gulfport Fire	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	Dana Investment Advisors	Bogdahn Group
Gulfport Police	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	See Report	Bogdahn Group
Haines City Fire	Foster & Foster	Brad Heinrichs	Cherry, Bekaert & Holland	ICC Capital Management/Dana Investment Advisors.	Bogdahn Group
Haines City Police	Foster & Foster	Brad Heinrichs	Cherry, Bekaert & Holland	ICC Capital Management/Miller, Howard Investments	Burgess Chambers & Associates
Hallandale Beach P & F	Foster & Foster	Doug Lozen	Steven I. Gordon	See Report	Morgan Stanley Graystone Consulting
Havana Fire	Foster & Foster	Brad Heinrichs	James Moore & Co.	Rockwood Capital Advisors	James Moore & Co.
Hialeah Fire Share	N/A	N/A	Steven I. Gordon	Rhumblin Advisors	Dahab Associates
Hialeah Gardens Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Goldstein Schechter Koch	ICC Capital Management	Bogdahn Group
Hialeah Police Share	N/A	N/A	Steven I. Gordon	Atlanta Capital Management	Dahab Associates
Hialeah Police, Fire & General	Foster & Foster	Patrick Donlan	Alberni, Caballero & Castellanos, LLP	See Report	CapTrust/Schott Group
Holley-Navarre Fire District	Foster & Foster	Patrick Donlan	Nicholson, Reeder & Reynolds	Raymond James	Carr, Riggs & Ingram, LLC
Holly Hill Fire	Foster & Foster	Patrick Donlan	Brent Millikan & Company	ICC Capital Management	Burgess Chambers & Associates
Holly Hill Police	Foster & Foster	Patrick Donlan	Brent Millikan & Company	See Report	Morgan Stanley Smith Barney
Hollywood Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
Hollywood Police	Cavanaugh MacDonald Consulting	Jose Fernandez	Goldstein Schechter Koch	See Report	Thistle Asset Consulting
Holmes Beach Police	Foster & Foster	Patrick Donlan	Christopher, Smith, Leonard, Bristow & Stanell	See Report	Bogdahn Group
Homestead Fire	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Steven D. Eisenberg	ICC Capital Management	Bogdahn Group
Homestead Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Alberni, Caballero, Fierman L.L.P.	Taplin, Canida & Habacht	Bogdahn Group
Howey-in-the-Hills Police	Southern Actuarial Services	Chuck Carr	Shorstein & Shorstein for FLC	Florida Municipal Investment Trust	Asset Consulting Group for FLC
Indian Atlantic Police & Fire	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	See Report	Bogdahn Group
Indian Harbour Beach Police	Foster & Foster	Brad Heinrichs	Berman, Hopkins, Wright, Arnold & LaHam	SunTrust Bank	Wells Fargo Advisors
Indian River Shores Police & Fire	Foster & Foster	Brad Heinrichs	Berman, Hopkins, Wright, & LaHam	Manning & Napier	Asset Consulting Group for FLC
Indian Shores Police	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	Bowen, Hanes & Co.	Greystone Consulting
Jacksonville Beach Fire	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Purvis, Gray & Co.	See Report	Bogdahn Group
Jacksonville Beach Police	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Purvis, Gray & Co.	See Report	Bogdahn Group
Jacksonville Police & Fire	Pension Board Consultants	Jarmon Welch	KBLD LLC	See Report	Summit Strategies Group
Jupiter Police	Freiman Little Actuaries	Chad Little	Cherry, Bekaert LLP	C.S. McKee	Burgess Chambers & Associates
Key Biscayne Police & Fire	Gabriel, Roeder, Smith & Co.	Peter Strong	Marcum	Sun Trust / Frontier Capital Mgmt.	Burgess Chambers & Associates
Key West Police & Fire	DuLaney & Company	Donald A. Dulaney	Goldstein Schechter Koch	See Report	Bogdahn Group
Kissimmee Fire	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	See Report	Burgess Chambers & Associates
Kissimmee Police	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	See Report	Bogdahn Group
LaBelle Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Lady Lake Police	Foster & Foster	Patrick Donlan	Shumaker, Johnston & Ross	See Report	Bogdahn Group
Lake Alfred Police & Fire	Foster & Foster	Patrick Donlan	Byrnjulfson CPA, P.A.	Dana Investment Advisors	Bogdahn Group
Lake City Fire	Actuarial Concepts	Mike Tierney	Purvis, Gray & Co.	Riverplace Capital Management	Bogdahn Group

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Lake City Police	Foster & Foster	Bradley Heinrichs	Purvis, Gray & Co.	See Report	Bogdahn Group
Lake Helen Police	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Lake Mary Fire	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	McDermitt, Davis & Co.	Regions Bank	Burgess Chambers & Associates
Lake Mary Police	Foster & Foster	Patrick Donlan	McDermitt, Davis & Co.	Regions Bank	Burgess Chambers & Associates
Lake Wales Fire	Foster & Foster	Brad Heinrichs	Purvis, Gray & Co.	ICC Capital Management	Wells Fargo Advisors
Lake Wales Police	Foster & Foster	Brad Heinrichs	Purvis, Gray & Co.	ICC Capital Management	Wells Fargo Advisors
Lake Worth Fire Division I	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Steven I. Gordon	See Report	Bogdahn Group
Lake Worth Fire Division II	N/A	N/A	Steven I. Gordon	ICC Capital Management	Bogdahn Group
Lake Worth Police Division I	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Steven I. Gordon	See Report	Bogdahn Group
Lake Worth Police Division II	N/A	N/A	Harry Harrell, CPA	ICC Capital Management	Bogdahn Group
Lakeland Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	Westwood Trust / Manning & Napier	Bogdahn Group
Lakeland Fire & General	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Crowe Horwath	See Report	Bogdahn Group
Lakeland Police Supp.	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
Lakeland Police, Fire & General	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Deborah P. Garringer	See Report	Bogdahn Group
Lantana Fire	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Steven I. Gordon	See Report	Bogdahn Group
Lantana Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Davidson, Jamieson & Cristini	ICC Capital Management	Bogdahn Group
Largo Police & Fire	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Carr, Riggs & Ingram	See Report	Captrust Financial
Lauderdale-by-the-Sea Fire	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Grau & Associates	Inverness Counsel	Thistle Asset Consulting
Lauderhill Fire	Freiman Little Actuaries	Paula Freiman	Goldstein Schechter Koch	See Report	Dahab Associates
Lauderhill Police	DuLaney & Company	Donald A. Dulaney	Goldstein Schechter Koch	See Report	Southeastern Advisory Svcs., Inc.
Leesburg Fire	Foster & Foster	Patrick Donlan	Moore, Stevens, Lovelace, P.A.	Salem Trust	Burgess Chambers & Associates
Leesburg Police & General	Foster & Foster	Patrick Donlan	Moore, Stevens, Lovelace, P.A.	Smith Barney	Citigroup Global Markets, Inc.
Leesburg Police Supp.	Foster & Foster	Patrick Donlan	Moore, Stevens, Lovelace, P.A.	Fifth Third Bank	Bogdahn Group
Longboat Key Fire	Foster & Foster	Doug Lozen	Carr, Riggs & Ingram	See Report	Carter Hester Group/Graystone Consulting Group
Longboat Key Police	Foster & Foster	Doug Lozen	Carr, Riggs & Ingram	See Report	Graystone Consulting
Longwood Police & Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Lynn Haven Fire	Foster & Foster	Brad Heinrichs	N/A	Dana Investments Advisors	Bogdahn Consulting
Lynn Haven Police	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	SEI Investments Distribution Co.	Burgess Chambers & Associates
Maccleddy Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Madison Fire	Foster & Foster	Patrick Donlan	Powell & Jones	Atlanta Capital Management	Greystone Consulting
Madison Police	Foster & Foster	Patrick Donlan	Powell & Jones	Atlanta Capital Management	Greystone Consulting
Maitland Police & Fire	Foster & Foster	Brad Heinrichs	McDermitt, Davis & Co.	See Report	Bogdahn Group
Marathon Fire	Nyhart	David Harris	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Marco Island Fire	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Mauldin & Jenkins CPA, LLC	See Report	Morgan Stanley Smith Barney
Marco Island Police	Foster & Foster	Brad Heinrichs	Mayor, Hoffman McCann, P.C.	See Report	Morgan Stanley Smith Barney
Marianna Fire	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	Dana Investment Advisors	Bogdahn Group
Marianna Police	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	Dana Investment Advisors	Bogdahn Group
Medley Police	Foster & Foster	Brad Heinrichs	Averett, Warmus, Durkee, CPA's	Stancorp	The Standard
Melbourne Beach Police	Foster & Foster	Brad Heinrichs	Hoymann Dobson & Co.	Dana Investment Advisors	Bogdahn Group
Melbourne Fire	Freiman Little Actuaries	Chad Little	Carr, Riggs & Ingram	ICC Capital Management	Bogdahn Group
Melbourne Police	Foster & Foster	Patrick Donlan	Carr, Riggs & Ingram	ICC Capital Management	Bogdahn Group
Miami Beach Fire Share	N/A	N/A	Steven I. Gordon	Inverness Counsel	Thistle Asset Consulting
Miami Beach Police & Fire	Buck Consultants	Joseph Griffin	Goldstein, Schechter, Koch & Co.	See Report	Thistle Asset Consulting
Miami Beach Police Share	N/A	N/A	Alan R. Swift	Inverness Counsel	Thistle Asset Consulting
Miami Fire Share	Nyhart	Randall Stanley	Steven I. Gordon	See Report	Milliman, Inc.
Miami Police & Fire	Nyhart	Randall Stanley	Goldstein Schechter Koch	See Report	Milliman, Inc.
Miami Police Share	N/A	N/A	Steven I. Gordon	UBS Financial Services, Inc.	N/A
Miami Shores Village	Gabriel, Roeder, Smith & Co.	Melissa Algayer	Alberni, Caballero & Co.	See Report	Bogdahn Group
Miami Springs Police & Fire	Gabriel, Roeder, Smith & Co.	Peter Strong	Marcum LLC	ICC Capital Management	Thistle Asset Consulting
Midway Fire District	Foster & Foster	Patrick Donlan	Shorstein & Shorstein for FLC	Florida Municipal Investment Trust	Asset Consulting Group
Milton Fire	Foster & Foster	Brad Heinrichs	Warren Averett, LLC	Bowen Hanes & Co - David Kelly III	Thistle Asset Consulting
Milton Police	Foster & Foster	Brad Heinrichs	Warren Averett, LLC	ICC Capital Management	Thistle Asset Consulting
Miramar Fire	DuLaney & Company	Donald A. Dulaney	Steven I. Gordon	See Report	Dahab Associates
Miramar Police	DuLaney & Company	Donald A. Dulaney	Goldstein Schechter Koch	See Report	Southeastern Advisory Svcs., Inc.
Monticello Fire	Foster & Foster	Patrick Donlan	Brooks, Harrison & Cayer	Board of Trustees	Bogdahn Group
Monticello Police	Foster & Foster	Patrick Donlan	Brooks, Harrison & Cayer	Board of Trustees	Bogdahn Group
Mount Dora Fire	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Purvis Gray & Co.	See Report	Bogdahn Group
Mount Dora Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Purvis Gray & Co.	Rockwood Capital Advisors	Bogdahn Group
Naples Fire	Foster & Foster	Doug Lozen	Mauldin & Jenkins CPA, LLC	See Report	Graystone Consulting
Naples Police	Foster & Foster	Doug Lozen	Mauldin & Jenkins CPA, LLC	See Report	Graystone Consulting
Neptune Beach Police	Foster & Foster	Doug Lozen	Purvis Gray & Co.	Dana Investment Advisors	Bogdahn Group
New Port Richey Fire	Foster & Foster	Patrick Donlan	Reeder and Associates	Fiduciary Trust International	CS McKee & Company
New Port Richey Police	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Davidson, Jamieson & Cristini	BRC Investment / Logan Capital	Thistle Asset Consulting
New Smyrna Beach Fire	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	See Report	Morgan Stanley Smith Barney
New Smyrna Beach Police	Foster & Foster	Brad Heinrichs	James Moore & Co.	American Realty Advisors, American Funds, Vanguard	Burgess Chambers & Associates
North Bay Fire District	Foster & Foster	Jason Franken	Carr, Riggs & Ingram	N/A	Bogdahn Group
North Miami Beach P&F	Buck Consultants	Joseph Griffin	Steven I. Gordon	Garci, Hamilton & Associates	Greystone Consulting
North Miami Fire - #691	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Marcum	Denver Investment Advisors	Thistle Asset Consulting

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North Miami Police - #748	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Marcum	Denver Investment Advisors	Thistle Asset Consulting
North Miami Police & General - #691	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Marcum	Montag & Caldwell	Thistle Asset Consulting
North Miami Police Share - #592	N/A	N/A	Goldstein Schechter Koch	Strategic Asset Mgmt./Karpus Investment Mgmt.	N/A
North Collier Fire District	Foster & Foster	Doug Lozen	Steven I. Gordon	See Report	Bogdahn Group
North Port Fire	Foster & Foster	Brad Heinrichs	Mauldin & Jenkins CPA, LLC	See Report	Bogdahn Group
North Port Police	Foster & Foster	Brad Heinrichs	Kerkering Barberio & Co.	See Report	Bogdahn Group
North River Fire District	Foster & Foster	Brad Heinrichs	Christopher, Smith, Leonard, Bristow & Stanell	Dana Investment Advisors	Bogdahn Group
Oakland Park Police & Fire	DuLaney & Company	Donald A. Dulaney	Goldstein Schechter Koch	See Report	Bogdahn Group
Ocala Fire	Nyhart	David Harris	Purvis, Gray & Co.	See Report	Bogdahn Group
Ocala Police	Foster & Foster	Doug Lozen	Purvis Gray & Co.	See Report	Burgess Chambers & Associates
Ocean City-Wright Fire District	Foster & Foster	Brad Heinrichs	Carr, Riggs & Ingram	Bowen, Hanes & Co.	Bogdahn Group
Ocoee Police & Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
Ocala Island Fire District	Foster & Foster	Jason Franken	Nicholson, Reeder & Reynolds	Salem Trust	Bogdahn Group
Okeechobee Fire	Gabriel, Roeder, Smith & Co.	Theora Braccialarghe	DiBartolomeo, McBee, Hartley & Barnes	Dana Investment Advisors	Bogdahn Group
Okeechobee Police	Gabriel, Roeder, Smith & Co.	Theora Braccialarghe	DiBartolomeo, McBee, Hartley & Barnes	Dana Investment Advisors	Bogdahn Group
Oldsmar Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein	FL Municipal Investment Trust	Asset Consulting Group
Orange Park Fire	Foster & Foster	Brad Heinrichs	Mauldin & Jenkins CPA, LLC	Dana Investment Managers	Bogdahn Group
Orange Park Police	Foster & Foster	Brad Heinrichs	Mauldin & Jenkins CPA, LLC	ICC Capital Management	Bogdahn Group
Orlando Fire	Nyhart	Randall Stanley	Moore Stephens Lovelace	See Report	NEPC, LLC
Orlando Police	The Segal Co.	Leon Joyner	Moore Stephens Lovelace	See Report	NEPC, LLC
Ormond Beach Fire	Foster & Foster	Brad Heinrichs	James Moore & Co.	See Report	Morgan Stanley Smith Barney/Graystone Consult.
Ormond Beach Police	Foster & Foster	Brad Heinrichs	James Moore & Co.	See Report	Morgan Stanley / Graystone Consulting
Oviedo Fire	Foster & Foster	Brad Heinrichs	McDermitt, Davis & Co.	Dana Investment Advisors	Bogdahn Group
Oviedo Police	Foster & Foster	Brad Heinrichs	McDermitt, Davis & Co.	Dana Investment Advisors, Cutwater Asset Mgmt,	Bogdahn Group
Palatka Fire	Foster & Foster	Patrick Donlan	Carr, Riggs & Ingram	Capital City Trust	Burgess Chambers & Associates
Palatka Police	Foster & Foster	Patrick Donlan	Carr, Riggs & Ingram	Capital City Trust	Burgess Chambers & Associates
Palm Bay Fire	Foster & Foster	Brad Heinrichs	Janes, Dinho, & O'Keefe, LLP	Regions Bank	Burgess Chambers & Associates
Palm Bay Police	Foster & Foster	Brad Heinrichs	Janes, Dinho, & O'Keefe, LLP	Regions Bank	Burgess Chambers & Associates
Palm Beach Fire	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Marcum	See Report	Segal Rogerscasey
Palm Beach Gardens Fire	Foster & Foster	Doug Lozen	S. I. Gordon & Company, PA	Dana Investment Advisors	Bogdahn Group
Palm Beach Gardens Police	Gabriel, Roeder, Smith & Co.	Steve Palmquist	Cherry, Bekaert & Holland	ICC Capital Management	Thistle Asset Consulting
Palm Beach Police	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Marcum	See Report	Segal Rogerscasey
Palm Coast Fire	Foster & Foster	Brad Heinrichs	Shorstein & Shorstein for FLC	Florida Municipal Investment Trust	Asset Consulting Group
Palm Harbor Fire District	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	Bowen Hanes & Co.	N/A
Palmetto Police	Foster & Foster	Doug Lozen	Mauldin & Jenkins CPA, LLC	Salem Trust	Bogdahn Group
Panama City Beach Fire	Aon Consulting	Stephen Lambert-	Carr, Riggs & Ingram	Sun Trust Bank	Burgess Chambers & Associates
Panama City Beach Police	Aon Consulting	Stephen Lambert-	Carr, Riggs & Ingram	Sun Trust Bank	Burgess Chambers & Associates
Panama City Fire	Foster & Foster	Brad Heinrichs	Tipton, Marler, Garner & Chastain	See Report	Burgess Chambers & Associates
Panama City Police	Foster & Foster	Brad Heinrichs	Tipton, Marler, Garner & Chastain	See Report	Burgess Chambers & Associates
Parkland Police	Southern Actuarial Services	Charles T. Carr	Grau & Associates	FL Municipal Investment Trust	Asset Consulting Group
Pembroke Pines Police & Fire	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Goldstein Schechter Koch	See Report	Dahab Associates, Inc.
Pensacola Fire	Foster & Foster	Jason Franken	Mauldin & Jenkins CPA, LLC	See Report	Burgess Chambers & Associates
Pensacola Police	Pension Board Consultants	Jarmon Welch	Mauldin & Jenkins CPA, LLC	See Report	Bogdahn Group
Perry Fire	Foster & Foster	Patrick Donlan	Powell & Jones	Dana Investment Advisors	Bogdahn Group
Perry Police	Foster & Foster	Patrick Donlan	Powell & Jones	Dana Investment Advisors	Bogdahn Group
Pinellas Park Fire	Foster & Foster	Patrick Donlan	Cherry, Bekaert	See Report	Bogdahn Group
Pinellas Park Police	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Cherry, Bekaert	See Report	Bogdahn Group
Plant City Police & Fire	Foster & Foster	Patrick Donlan	Mauldin & Jenkins CPA, LLC	C.S. McKee	Burgess Chambers & Associates
Plantation Fire	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Keefe, McCullough & Co.	SunTrust Bank	Burgess Chambers & Associates
Plantation Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Goldstein Schechter Koch	SunTrust Bank	Bogdahn Group
Pompano Beach P&F	Nyhart	David Harris	Marcum LLP	See Report	Graystone Consulting
Ponce Inlet Fire	Foster & Foster	TERMINATED	N/A	N/A	N/A
Port Orange Fire	Foster & Foster	Brad Heinrichs	James Moore & Co.	See Report	Burgess Chambers & Associates
Port Orange Police	Freiman Little Actuaries	Chad Little	James Moore & Co.	See Report	Graystone Consulting/Morgan Stanley
Port St. Lucie Police	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	ICC Capital Management	Bogdahn Group
Punta Gorda Fire	Foster & Foster	Patrick Donlan	Ashley & Brown PA	ICC Capital Management	Bogdahn Group
Punta Gorda Police	Foster & Foster	Patrick Donlan	Ashley & Brown PA	ICC Capital Management	Bogdahn Group
Quincy Police & Fire	Foster & Foster	Brad Heinrichs	Moran & Smith, LLP	Dana Investment Advisors	Bogdahn Group
Riviera Beach Fire	Gabriel, Roeder, Smith & Co.	Peter Strong	Goldstein Schechter Koch	See Report	Southeastern Advisory Services
Riviera Beach Police	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Goldstein Schechter Koch	See Report	Bogdahn Group
Rockledge Fire	Freiman Little Actuaries	Chad Little	Davies, Houser & Secrest	See Report	Bogdahn Group
Rockledge Police	Freiman Little Actuaries	Chad Little	Davies, Houser & Seacrest	See Report	Bogdahn Group
Royal Palm Beach Police	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Safety Harbor Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
San Carlos Park Fire District	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Sanford Fire	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	See Report	Dahab Associates, Inc.
Sanford Police	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	See Report	Dahab Associates, Inc.
Sanibel Police	Foster & Foster	Doug Lozen	Clifton Larson Allen	Regions Trust	Burgess Chambers & Associates

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Sarasota Fire	Gabriel, Roeder, Smith & Co.	Brad Armstrong	Bobbit, Pittenger & Co.	See Report	Graystone Consulting
Sarasota Police	Gabriel, Roeder, Smith & Co.	Peter Strong	Kerker Barberio & Co.	See Report	Burgess Chambers & Associates
Satellite Beach Police & Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Sebastian Police	Foster & Foster	Doug Lozen	Rehmann Robson	ICC Capital Management	Graystone Consulting
Sebring Fire	Foster & Foster	Brad Heinrichs	Wicks, Brown, Williams & Co.	See Report	Bogdahn Group
Sebring Police	Gabriel, Roeder, Smith & Co.	Peter Strong	Wicks, Brown, Williams & Co.	See Report	Bogdahn Group
Seminole Fire	Foster & Foster	Doug Lozen	Brynulfson, CPA	See Report	Graystone Consulting
Shalimar Police	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
South Miami Police & General	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Cherry, Bekaert & Holland	See Report	Dahab Associates
South Miami Police Share	N/A	N/A	Steven I Gordon	Rockwood Capital Advisors	Bogdahn Group
South Pasadena Fire	Foster & Foster	Patrick Donlan	Wells, Houser & Schatzel	See Report	Bogdahn Group
South Walton Fire District	Foster & Foster	Brad Heinrichs	Warren, Averett, O'Sullivan, Creel, L.L.P.	Morgan Stanley Smith Barney	Bogdahn Group
Southern Manatee Fire Dist.	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
St. Augustine Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
St. Augustine Police	Actuarial Concepts	Michael Tierney	Masters, Smith & Wisby	Sawgrass Asset/Equity Investment Corp.	Southeastern Advisory Services
St. Cloud Police & Fire	Foster & Foster	Doug Lozen	Purvis, Gray & Co.	See Report	Bogdahn Group
St. Lucie County Fire District	Foster & Foster	Doug Lozen	DiBartolomeo, McBee, Hartley & Barnes	See Report	Burgess Chambers & Associates
St. Pete Beach Fire	Buck Consultants	Joseph Griffin	Mayer, Hoffman, McCann, P.C.	See Report	Southeastern Advisory Services
St. Pete Beach Police	Buck Consultants	Joseph Griffin	Mayer, Hoffman, McCann, P.C.	See Report	Grayston Consulting
St. Petersburg Fire	Buck Consultants	Joseph Griffin	Mayer, Hoffman, McCann, P.C.	See Report	Southeastern Advisory/ICMA-RC
St. Petersburg Police	Buck Consultants	Joseph Griffin	Mayer, Hoffman, McCann, P.C.	See Report	Graystone Consulting/ICMA-RC
Starke Fire	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Reddish & White	Salem Trust	Dover Consulting Group
Starke Police	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Reddish & White	Salem Trust	Dover Consulting Group
Sunrise Fire	Freiman Little Actuaries	Chad Little	Goldstein Schechter Koch	See Report	Dahab Associates, Inc.
Sunrise Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Davidson, Jamieson & Cristini	See Report	Thistle Asset Consulting
Surfside Police & General	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Marcum - Michael Futterman	ICC Capital Management	Burgess Chambers & Associates
Surfside Police Share	N/A	N/A	Alyce M. Jones	ICC Capital Management	N/A
Sweetwater Police	Gabriel, Roeder, Smith & Co.	Peter Strong	Steve Gordon	Bowen, Hanes & Co.	Bogdahn Group
Tallahassee Fire	Gabriel, Roeder, Smith & Co.	Peter Strong	Thomas, Howell, Ferguson / Law, Redd, Crong & Munroe	See Report	Segal Advisors
Tallahassee Fire Share	Gabriel, Roeder, Smith & Co.	Peter Strong	Davidson, Jamieson & Cristini	Prudential Financial	Segal Advisors
Tallahassee Police	Gabriel, Roeder, Smith & Co.	Peter Strong	Thomas, Howell, Ferguson / Law, Redd, Crona & Munroe	See Report	Segal Advisors
Tallahassee Police Share	Gabriel, Roeder, Smith & Co.	Peter Strong	Davidson, Jamieson & Cristini	Prudential Financial	Segal Advisors
Tamarac Fire	Southern Actuarial Services	Charles T. Carr	GLSC & Company	See Report	Graystone Consulting
Tamarac Police	Gabriel, Roeder, Smith & Co.	Theora Braccialarghe	GLSC & Company	See Report	Bogdahn Group
Tampa Police & Fire	Buck Consultants	Joseph Griffin	Nobles, Decker, Lenker & Cardoso	Bowen, Hanes & Co.	Investment Perf. Solutions.
Tarpon Springs Fire	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	ICC Capital Mgmt./Intercontinental Real Estate Corp.	Thistle Asset Consulting
Tarpon Springs Police	Foster & Foster	Brad Heinrichs	Wells, Houser & Schatzel	See Report	Thistle Asset Consulting
Tavares Fire	Foster & Foster	Doug Lozen	McDermitt, Davis & Co.	Salem Trust	Burgess Chambers & Associates
Tavares Police	Foster & Foster	Doug Lozen	McDermitt, Davis & Co.	Salem Trust	Burgess Chambers & Associates
Temple Terrace Fire	Foster & Foster	Patrick Donlan	Clifton Larson Allen	See Report	Bogdahn Group
Temple Terrace Police	Foster & Foster	Brad Heinrichs	Clifton Larson Allen	Eagle Capital	Bogdahn Group
Tequesta Police & Fire	Gabriel, Roeder, Smith & Co.	Jeff Amrose	Marcum LLP	GAMCO Asset Management	Bogdahn Group
Titusville Police & Fire	Foster & Foster	Brad Heinrichs	Cherry, Bekaert LLP	See Report	Bogdahn Group
Umatilla Police	Foster & Foster	Patrick Donlan	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Valparaiso Police & Fire	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
Venice Fire	Foster & Foster	Doug Lozen	Moore Stephens Lovelace	Dana Investment Advisors	Bogdahn Group
Venice Police	Foster & Foster	Brad Heinrichs	Moore Stephens Lovelace	Bowen Hanes & Co., Rockwood Capital Advisors	Bogdahn Group
Vero Beach Fire	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Cherry Bekaert LLP/Ronald Conrad	ICC Capital Management	Bogdahn Group
Vero Beach Police	Freiman Little Actuaries	Paula Freiman	Cherry Bekaert LLP/Ronald Conrad	See Report	Bogdahn Group
Village of North Palm Bch. P&F	Foster & Foster	Brad Heinrichs	Davidson, Jamieson & Cristini	ICC Capital Management	Thistle Asset Consulting
Village of Palm Springs Police	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Caler, Donten, Levine, Druker, Porter & Vei	See Report	Bogdahn Group
Wauchula Police & General	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust	Asset Consulting Group for FLC
Wauchula Police Share	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	FL Municipal Investment Trust / FLC	Asset Consulting Group for FLC
West Manatee Fire District	Foster & Foster	Brad Heinrichs	Christopher, Smith, Leonard, Bristow & Stanell	Dana Investment Advisors	Bogdahn Group
West Melbourne Police	Foster & Foster	Patrick Donlan	Carr, Riggs & Ingram	See Report	Bogdahn Group
West Palm Beach Fire	Gabriel, Roeder, Smith & Co.	Brad L. Armstrong	Davidson, Jamieson & Cristini	See Report	Bogdahn Group
West Palm Beach Police	Gabriel, Roeder, Smith & Co.	Jeffrey Amrose	Davidson, Jamieson & Cristini	See Report	Thistle Asset Consulting
Williston Police	Southern Actuarial Services for FLC	Charles T. Carr	Shorstein & Shorstein for FLC	Florida Municipal Investment Trust	Asset Consulting Group
Wilton Manors Fire	Gabriel, Roeder, Smith & Co.	Theora Braccialarghe	S. I. Gordon & Company, PA	See Report	Southeastern Advisory Svcs.
Wilton Manors Police	Gabriel, Roeder, Smith & Co.	Theora Braccialarghe	Goldstein Schechter Koch	See Report	Southeastern Advisory Svcs.
Winter Garden Police & Fire	Foster & Foster	Brad Heinrichs	Sines Blakeslee Madyda, CPA's	See Report	Bogdahn Group
Winter Haven Fire	Foster & Foster	Brad Heinrichs	Clifton Larson Allen	ICC Capital Management	Bogdahn Group
Winter Haven Police	Foster & Foster	Brad Heinrichs	Clifton Larson Allen	See Report	Bogdahn Group
Winter Park Fire	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Moore, Stephens & Lovelace	See Report	Burgess Chambers & Associates
Winter Park Police	Gabriel, Roeder, Smith & Co.	Lawrence F. Wilson	Moore, Stephens & Lovelace	See Report	Burgess Chambers & Associates

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Altamonte Springs	P		Age 55 + 6 years; or 25 years regardless of age EARLY: 6 years regardless of age	YES	YES	YES	LOD: 3% of AFC x cr. svc., not less than 65% of AFC NLOD: 3% of AFC x cr. svc., not less than 25% of AFC, must have 8 yrs. cr. svc. A member with 6 yrs. but less than 8 yrs. of cr. svc. entitled only to termination benefit.	3.00%				Y	Total cash remuneration including up to 300 hours of overtime, but excluding lump sum payments for accrued vacation or sick leave, clothing, meal, mileage or vehicle allowances and any payments for second party employer.	6	1.00 %	COLA=3%
LL	Apopka	F		Age 55 + 10 years; or 22 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 2.5% of AFC x cr. svc., not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.00%			Y		Total W-2 comp. + tax exempt/deferred items of income derived from elective employee payroll deductions or salary reductions.	10	8.30 %	
LL	Apopka	P		Age 45 + 10 years; or 20 years regardless of age EARLY: 40 + 10 years	YES	YES	YES	LOD: 3.6% of AFC x cr. svc., not less than 42% of AFC. Minimum benefit if from an intentional act of violence, assumes 20 yrs. of cr. svc. NLOD: must have 10 yrs. cr. svc.	3.6% - Years 1 - 10 4.0% - Thereafter <u>plus</u> , retirees on or after 3/1/98 receive a \$500 lump sum every 5 years.			Y	Y	Total compensation rendered to the city as a police officer reportable on the member's W-2 form + tax deferred sheltered or tax /exempt payments.	10	7.00 %	
LL	Arcadia	P & F		Age 55 regardless of years of service; or 20 years regardless of age EARLY: Age 45 + 6 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.65%			Y		W-2 Earnings plus tax deferred, tax sheltered, or tax exempt items	6	Police: 9.6% Fire: varies between 0.50% to maximum of 9.6% based on County's contribution requirements.	Fire services were transferred to DeSoto County effective 6/1/06. Some firefighters elected to remain in 175 plan. Closed to new firefighter members.
LL	Atlantic Beach	P		Age 55 + 10 years; or Age 50 + 20 years; or Age 60 + 5 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 5 yrs. cr. svc.	3.00%			Y		Salary includes base pay, over-time, longevity, cost of living payments and educational incentive payments. Does not include unused vacation/sick leave, value of fringe benefits & uniform allowance, equipment allowances, or special detail work preformed for a second party employer.	5	4.82 %	DROP - may participate up to 60 months. Accounts are self-directed. COLA- ad hoc COLA provision.
LL	Atlantis	P		Age 55 + 6 years; or 25 years regardless of age EARLY: 6 years regardless of age	YES	YES	YES	LOD: greater of 65% or accrued NLOD: greater of 25% or accrued (8 year vesting)	3.00%			Y	Y	Total cash compensation received including up to 240 of vacation pay, but excluding lump sum payment of unused leave.	10	0.50 %	COLA - for those retiring after 7/1/05 a 3% yearly adjustment. DROP is for 60 months and is self-directed.
LL	Auburndale	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.25% , <u>plus</u> supplemental mo. benefit of \$20 times each yr. of cr. Svc.			Y		Total compensation for services rendered to the City as a police officer on Member's W-2 form plus all tax deferred or tax exempt items of income. For service eaned on or after July 1, 2011, salary shall exclude overtime in excess of 300 hours, and shall exclude payments for accrued unused sick and vacation leave for service earned after July 1, 2011.	10	2.50 %	DROP has a 3% fixed interest rate.
LL	Auburndale	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.5%, <u>plus</u> a \$22.00 per year of service supplement			Y		Fixed compensation for services rendered to the City as a firefighter on Member's W-2 form plus all tax deferred, tax sheltered, and tax exempt items of income	10	6.60 %	DROP has a 3% fixed interest rate.
LL	Aventura	P		Age 55 +10 years; or 25 years credited service EARLY: Age 45 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc., greater of 30% or accrued	3.00%			Y		Total Compensation for services rendered to the City as a Police Officer reportable on member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items.	10	6.78 %	Member contribution is 6.775%
LL	Avon Park	P		Age 55 + 10 years; or Age 60 regardless of years of service; or 20 years regardless of age. EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.00%			Y	Y	Total Compensation for services rendered to the City as a Police Officer reportable on member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items.	10	5.00 %	
LL	Avon Park	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.16%			Y	Y	Total compensation for services rendered to the City as a Firefighter reportable on member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items.	10	5.00 %	COLA is applicable to <u>all</u> retirees with 15 years of service. COLA begins at age 58 and continues until age 62 with annual 3% adjustment.
LL	Bal Harbour Village	P		Age 55 + 10 years; or Age 52 + 25 years; or Age 57 regardless of years of service; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: greater of 25% or accrued	3.50%			Y	Y	Base pay including overtime, but excluding incentive pay, shift differentials, etc.	10	10.00 %	COLA is payable on one year anniversary of retirement and is an annual 2.5% increase. DROP participation is for up to 5 years and employees may choose between a guaranteed 4% investment earning or the plan's net actual return.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Bartow	F		Age 55 + 10 years; or Age 52 + 25 years; or 28 years regardless of age EARLY: Age 45 + 10 years	YES		YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.15%				Y	Total compensation for services rendered to the City as a Firefighter reportable on member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items.	6	2.00 %	COLA: 1.32% annual for all those retiring after 10/1/07
LL	Bartow	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.15%			Y	Y	Total compensation for services rendered to the City as a Police Officer reportable on member's W-2 form, plus all tax deferred, tax sheltered or tax exempt items.	6	4.00 %	
LL	Bay Harbor Islands (P - Supplemental)	P & G		Age 55 + 10 years; or Age 50 + 20 years Age 65 regardless of years of service	NO		NO	LOD: accrued benefit payable on 91st day of disability, until recovery or normal retirement date.	Varies: 3.25% (with increases based on employee contribution) Also, retirement subsidy of \$350 per mth x vested % payable to age 65.		Y			Base pay including deferred compensation amounts paid by the Town of Bay Harbor Islands.	Graduated 5 - 10	8%	State moneys are used in a supplemental plan to provide an enhanced benefit accrual to police officers.
LL	Belleair Bluffs	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued, but not less than 42%. NLOD: after 10 years, accrued, but not less than 25%.	2.70%			Y		Fixed monthly remuneration for services rendered to the City as a Firefighter reportable on the Member's W-2 form plus all tax deferred, sheltered or exempt items of income.	10	6.50 %	
LL	Belleair Police (Fire - Retiree only)	P		Age 55 + 5 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued, but not less than 42% of AFC NLOD: must have 10 yrs.	3.50%					Total compensation for services rendered to the town reportable on member's W-2 form +all tax deferred, tax sheltered & tax-exempt items of income.	5 if hired before 10/1/92 10 after 10/1/92	6.00 %	
LL	Bellevue	P		Age 55 + 10 years; or Age 52 + 25 years; or Age 60 regardless of years of service EARLY: Age 50 + 10 years	YES		YES	LOD: accrued, but not less than 42%. NLOD: after 10 years, accrued, but not less than 25%.	3.00%			Y		Total compensation on W-2 form + all tax deferred, sheltered or exempt items.	3 if hired before 9/17/91 10 after 9/16/91	5.00 %	Revenues in excess of the 1997 Base Amount beginning with year ending 9-30-99 goes into share balances.
LL	Boca Grande Fire Control District	F		Age 50 + 10 years; or 25 years serv	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%			Y	Y	Fixed compensation for services rendered to the district reportable on the member's W-2 form, plus all tax deferred, sheltered, or exempt items.	10	0.50 %	DROP participation is 60 months. COLA - based on CPI, not more than 3%, commencing one year after beginning receipt of retirement benefits.
LL	Boca Raton	P & F		Age 55 + 10 years; or 20 years continuous service regardless of age EARLY: 50 + 10 years	YES	YES	YES	LOD: accrued, but no less than 75% of AME. NLOD: must have 10 yrs. cr. svc., 3.25% of AME, maximum of 50%, min. of 25% of AME.	POLICE: 3.50% (max is 87.5%) FIRE: 3.40% (max is 100%) <u>plus</u> a lifetime supplement of \$10.50 per month times completed years of continuous service.			Y	Y	FIRE: Fixed monthly remuneration, including basic wages, EMT, paramedic pay, fire inspection pay and contributions pd by the city, excludes: over-time, bonuses, and any other payments. POLICE: Total cash remuneration paid by the city for services rendered, including overtime; excludes bonuses, accumulated sick & annual leave.	10	Police: 10.20 % Fire: 10.20 %	COLA: Police receive a 2% annual increase in pension benefits beginning 1 year after retirement
LL	Bonita Springs Fire Control District	F		Age 55 + 10 years; or Age 50 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: greater of 42% or accrued NLOD: accrued benefit (10 year vesting)	3.58% - Prior to 6/1/10 3% - All employees hired after 6/1/10	Y		Y	Y	Basic compensation, including longevity pay, incentive pay, paid to a firefighter based on 53 hours plus 3 hours overtime for shift work or a 40 hour week.	10	7.00 %	DROP participation is 60 months, member has option of 6.5% fixed or investment return earned by plan. SHARE PLAN: funded with increases in state moneys in excess of 1,000,055. COLA: 3% annual benefit for 17 years commencing 1 year after retirement. For those hired after 6/1/10, COLA is 3% annual benefit for 12 years commencing 1 year after retirement.
LL	Boynton Beach	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 66 2/3% reduced by WC and SS, but not less than 42% of AFC. NLOD: after 10 yrs. cr. svc., 2.50% of AFC x yrs. of svc. but not less than 25% of AFC.	3% (13th check in years plan realizes an actuarial gain)			Y	Y	Total Cash compensation, excluding bonuses & incentive pay	10	12.00 %	Buy-back of 5 years of military service Ord. #01-46. Ord.02-005, 13th check to retirees in years when the Plan realizes an actuarial gain.
LL	Boynton Beach	P		Age 55 + 10 years; or Age 50 + 15 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 66 2/3% reduced by WC and SS, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued retirement benefit, but not less than 25% of AFC.	3.5% (13th check in years plan realizes an actuarial gain)			Y		Total Cash compensation including overtime, lump sum payment of unused leave.	5	7.00 % (city pick-up)	DROP not to exceed 5 years. COLA adhoc - 13th check based on actuarial determination
LL	Bradenton	P		Age 45 + 20 years; or Age 55 + 10 years EARLY: Age 50 + 10 years	YES	NO	YES	LOD: greater of 60% or accrued NLOD: greater of 60% or accrued (10 year vesting)	3%, <u>plus</u> members with more than 20 years receive a monthly amount = to \$10 for each year of service.			Y	Y	Total compensation reportable on W-2 form plus all tax deferred or tax exempt items.	10	6.00 %	DROP: 60 month participation. COLA: Annual increase equal to 1/2 of the CPI, up to maximum of 4%. After 7/16/08, COLA is provided to those retiring with 20 years of service and each January 1 is increased by 2.71%.

BRIEF SUMMARY OF PLAN BENEFITS

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LL	Bradenton	F		Age 55 + 10 years; or 25 years regardless of age; EARLY: Age 50 + 10 years; or 20 years regardless of age	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc., greater of 25% or accrued	3.00%			Y	Y	Total compensation rendered to the city as a firefighter reportable on the member's W-2 form + tax deferred sheltered or tax /exempt payments. Effective for earned after 4/15/12, salary is limited to 300 hours of overtime, and excludes payments for accrued sick and	10	9% - as of 4/15/13 10% - as of 4/15/14	City has minimum contribution of 8% of payroll.
LL	Brooksville	F		Age 55 + 10 years; or Age 60 regardless of years of service; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc.	3.10%			Y	Y	Total W-2 Earnings + tax exempt/sheltered/deferred income	10	3.29 %	COLA-for regular retirees, provides a 3% increase until age 65.
LL	Brooksville	P		Age 55 + 6 years; or 20 years regardless of age EARLY: 50 + 6 years	YES	YES	YES	LOD: greater of 42% or accrued NLOD: greater of 25% or accrued (6 year vesting)	4.00%			Y	Y	Chapter, excludes overtime in excess of 300 hours, as well as lump sum payments for sick and vacation earned after July 1, 2011.	6	1.00 % (city pickup)	DROP all member to choose 6.5% fixed rate or net investment return. Participation is for 60 months or for a total of 25 years of service with the City as a police officer.
LL	Bunnell	F		Age 52 + 10 years EARLY: Age 50 + 10 years	YES		YES	LOD: greater of 42% or accrued NLOD: must have 10 yrs. cr. svc., greater of 25% or accrued	*\$47.00 for each year of credited service or 3% of AFC for each year of credited service.			Y		Compensation plus all tax deferred, sheltered or exempt items of income	10	5.00 %	*Effective 10-1-99, a volunteer firefighter member must respond to at 25% of fire alarms & 50% of fire drills during the plan year to be eligible to the \$30.00 benefit.
LL	Bushnell (Terminated as of 10/1/12)	P		Age 55 + 6 years; or 25 years regardless of age EARLY: 6 years regardless of age	YES	YES	YES	LOD: greater of 65% or accrued NLOD: must have 6 yrs. cr. svc., greater of 25% or accrued	3.00%				Y	Chapter	6	1.00 %	Plan was terminated as of 10/1/12 - accrued retirement benefits to be paid out in lump sum.
LL	Cape Coral	F		Age 50 regardless of years of service; or 25 years regardless of age EARLY: 40 + 10 years	YES	YES	YES	LOD: greater of 65% or accrued NLOD: less than 5 yrs. = 25% or accrued, 5-10 yrs. = 50% or accrued, 10 or more yrs. = 66 2/3% or accrued.	3.25%			Y	Y	Total compensation for services rendered as a firefighter reportable on the member's W-2 form plus all tax deferred, sheltered or exempt items of income; however, excluding all overtime in excess of 300 hours per year, and excluding payments for accrued annual and sick leave hours earned after February 7, 2012.	Graduated 5 - 10	10.00 %	DROP: Not to exceed 60 months.
LL	Cape Coral	P		Age 50 regardless of years of service; or 25 years regardless of age; Effective 10/1/13 age 52 with 10 years of credited service or completion of 27 years EARLY: 40 + 10 years	YES	YES	YES	LOD: greater of 65% or accrued NLOD: less than 5 yrs. = 25% or accrued, 5-10 years = 50% or accrued, 10 or more yrs. = 66 2/3% or accrued.	3.25%			Y	Y	Total compensation for services rendered as a firefighter reportable on the member's W-2 form plus all tax deferred, sheltered or exempt items of income; however, excluding all overtime in excess of 300 hours per year, and excluding payments for accrued annual and sick leave hours eaned after February 7, 2012.	Graduated 5 - 10	10.00 %	Ord.#89-01 2% one-time COLA for disability retirees as of 10-1-98.
LL	Casselberry	P & F		Age 55 + 6 years; or 25 years regardless of age Hired after 9/15/13 age 55 with 10 yrs or age 52 with 25 yrs EARLY: 6 years regardless of age	YES	YES	YES	LOD: greater of 65% or accrued NLOD: greater of 25% or accrued (6 year vesting)	3% , <u>plus</u> a subsidy of \$5 per year of credited service, (\$30 minimum & \$150 maximum).				Y	Police & Fire - Total compensation for services rendered reported on W-2 form, plus all tax deferred , tax sheltered & tax exempt items of income.	6	3.00 %	Retirement Supplement equal to \$5 per month for each year of service with minimum of \$30 and Maximum of \$150. COLA = 3% each July 1.
Chapter	Chattahoochee	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.50%					Chapter	10	5.00 %	
LL	Clearwater	P, F & G		Police & Fire: Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years General: Age 65 + 10 years; or Age 55 + 20 years 30 years regardless of age.	YES	YES	YES	LOD: no less than 66.67% of avg. mo. comp. NLOD: must have 10 yrs. of svc., a mo. annuity for the life of participant.a survivor annuity is provided under normal from of benefit, 120 mo. payments are guaranteed in any case.	2.75% Also has supplemental & share plans.	Y			Y	FIRE: Regular wages, bonuses & overtime as reported on W-2. POLICE: Total compensation; excluding lump sum payment of accrued sick and vacation pay at termination.(accrued sick leave is sold back at 1/2 hrly rate, max 1560 hrs.)	10	8.00 %	Supplemental Plan closed for members hired after 1963. No state moneys go into the closed supplemental plan.
LL	Clermont	P		Age 55 + 10 years; or Age 52 + 25 years; or 20 years regardless of age EARLY: 50 + 10 years	YES	YES	YES	LOD: greater of 42% or accrued or accumulated contributions at 5% interest NLOD: if vested - greater of 25% or accrued or accumulated contributions at 5% interest. If not vested, return of contributions with 5% interest.	2.25% for years prior to 10/1/02, and 3% for years beginning 10/1/02.				Y	Total cash remuneration for services rendered as a police officer including overtime, but excluding bonuses.	Graduated 5 - 10	3.00 %	
LL	Clermont	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: 50 + 10 years	YES		YES	LOD: greater of 42% or accrued or accumulated contributions at 5% interest NLOD: if vested - greater of 25% or accrued or accumulated contributions at 5% interest. If not vested, return of contributions with 5% interest.	Full-Time: 2.25% for years prior to 10/1/02, and 3% for years beginning 10/1/02. Volunteer: \$5.00 per month times Years of service or 2.25% for years prior to 10/1/02, and 3% for years beginning 10/1/02, whichever is greater.			Y	Full-Time: The fixed monthly remuneration for services rendered as a firefighter, excluding bonuses. Volunteers: If salary is based on actual services rendered, total cash remuneration received yearly, prorated on a monthly basis, excluding bonuses.	Graduated 5 - 10	1.00 %		

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LL	Cocoa	P		Age 50 + 10 years; or 25 years regardless of age	YES	YES	YES	LOD: greater of accrued or not less than 42% of AME or 50% of regular base pay. NLOD: must have 10 yrs. cr. svc., greater of accrued or not less than 25% of AME or 25% of regular base pay.	3.00%			Y	Y	W-2 Earnings	10	6.50 %	
LL	Cocoa	F		Prior to 1/1/99 - Earlier of Age 52 or 25 years After 1/1/99 - Age 52 + 10; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued, but not less than 42% of AME. NLOD: 25% payable 6 months from date of disability. Plan benefits will be reduced by SS/WC so that sum of all payments=80% of pay	3.00%			Y	Y	W-2 Earnings plus tax deferred and tax exempt items of income.	10	6.50 %	
LL	Cocoa Beach	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES		YES	LOD: accrued, but not less than 42% of AME. NLOD: must have 10 yrs. cr. svc.	3.00% for Credited Service on or after 11/19/98 and 4.00% for Credited Service prior to 11/19/98			Y		Base compensation for services rendered to the City as a firefighter, <u>plus</u> overtime & educational incentive pay, & all tax deferred, sheltered or exempt items. Does not include lump sum payments for unused sick, vacation or paid time off.	10	5.00 %	
LL	Cocoa Beach	P		Age 55 + 10 years; or Age 52 + 25 years; or 30 years regardless of age EARLY: Age 50 + 10 years	YES		YES	LOD: accrued, but not less than 42% of AME. NLOD: must have 10 yrs. cr. svc.	3.00% for Credited Service on or after 11/19/98 and 4.00% for Credited Service prior to 11/19/98			Y		Total compensation for services rendered to the City as a police officer, <u>including</u> overtime & educational incentive pay, & all tax deferred, sheltered or exempt items.	10	5.00 %	
LL	Cooper City CLOSED transferred to Broward on 2/15/04	F		Age 50 + 10 years; or 25 years regardless of age	YES	YES	YES	LOD: accrued, but not less than 60% of AME. NLOD: accrued, but not less than 25% of AME.	3% , <u>plus</u> a monthly supplemental benefit of \$5 per yr. of service. (13th Check).			Y		Base salary, including pick-up contributions for all straight time hours worked.	10	3.45 %	DROP shall not exceed 60 months.
LL	Cooper City CLOSED transferred to Broward on 2/15/04	P		Age 50 + 10 years; or 25 years regardless of age	YES	YES	YES	LOD: accrued, but not less than 60% of AME. NLOD: accrued, but not less than 25% of AME.	3% , <u>plus</u> a monthly supplement amount pro-rated based on service with a maximum of \$236 until the earlier of eligibility for Medicare or age 67. (13th Check).			Y		Total cash remuneration for services rendered. Overtime compensation shall be limited to not more than 300 hours per person per year..	10	8.13 % (city pick-up)	13th Check available based on cumulative actuarial gains.
LL	Coral Gables	P & F (Share)		Earliest of: Age 65; or Age 52 + 10 years; or Rule of 70 (Age + Years = 70) EARLY: Age 50 and 10 years of service.	YES		YES	LOD: minimum of accrued NLOD: minimum of accrued benefit	3.00% , also has Share Plan.	Y		Y		FIRE: All wages, salaries & other amounts for personal services actually rendered as a firefighter with the city, includes up to 300 hours of overtime. POLICE: Cash remuneration, includes up to 300 hours of overtime.	10	5.00 % (city pickup)	COLA based on actuarial gain. DROP: allows participation up to 96 months for fire and 60 months for police. Provides a 3% minimum interest on DROP moneys.
LL	Coral Springs	P		Age 55 + 10 years; or 20 years continuous service regardless of age EARLY: Age 50 + 10 years continuous	YES	YES	YES	LOD: the greater of mo. accrued benefit; 70% of current base mo. salary; 42% of avg. mo. earnings. NLOD: must have 10 yrs. cr. svc., greater of mo. accrued benefit; 25% of avg. mo. earnings.	3.50%			Y	Y	All compensation, including up to 300 hrs. of overtime, excluding leave payouts at separation of off-duty pay. Compensation other than base slaary shall be limited to 13% of base salary.	Graduated 5 - 10	9.875% (city pickup)	DROP participation is up to five years.
LL	Coral Springs	F		Age 55 + 10 years; or Age 52 + 20 years; or 25 years regardless of age; or Age 56 + 3 years (for members as of inception) EARLY: age 50 + 10 years	YES	YES	YES	LOD: the greater of mo. accrued benefit; 52.5% of avg. mo. earnings. NLOD: must have 10 yrs. cr. svc., greater of mo. accrued benefit; 30% of avg. mo. earnings.	3.50%			Y	Y	Fixed monthly compensation	10	8.75% (city pickup)	DROP participation is up to five years. No minimum interest; however, members may self-direct in accordance with any of the options provided for Deferred Comp program. COLA - 1% available after 5th year of retirement.
Chapter	Crescent City	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.00%					Chapter	10	5.00 %	
Chapter	Crescent City	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.00%					Chapter	10	5.00 %	
LL	Crestview	P & F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 45 + 10 years	YES		YES	LOD: accrued benefit not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.20%			Y		W-2 Earnings; excluding sick/vacation pay but <u>including</u> tax exempt & deferred income.	10	6.40 %	
LL	Dade City	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: greater of 42% or accrued benefit NLOD: must have 10 yrs. cr. svc.	3.50%			Y	Y	Chapter	10	1.00 %	

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LL	Dade City CLOSED	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.25%				Y	Chapter	10	1.00 %	Effective October 1, 2003, fire services were transferred to Pasco County. Some firefighters elected to remain in Chapter 175 plan.
LL	Dania Beach (Police & Fire are CLOSED plans)	P & F		Fire: Age 55 + 8 years; or 25 years continuous regardless of age Police: Age 55 + 10 years; or 25 years continuous regardless of age EARLY: Age 50 + 8 years; or 20 years continuous regardless of age	YES	YES	YES	LOD: 60% of avg. mo. earnings for police; 68% of avg. monthly earnings for fire; the benefit may not be less than the member's accrued benefit for police or fire. NLOD: must have 1 yr. of continuous svc., 40-60% AME, the benefit may not be less than the member's accrued benefit.	3% , includes a supplemental benefit for police officers using the increases in the state moneys.				Y	Y	8	Police: 7.00 % Fire: 24.60 % (city pick-up; effective 10/1/01 employee portion 6.46 %)	Both Police (1998) and Fire (1/2011) are closed plans. Plan remains operational as some police and firefighters elected to remain under the local plan when the services were transferred to Broward County. 9/30/12 BSO will pay up to \$513,354.00 to plan in employer contributions. Anything over this amount will be paid by City.
LL	Davie	P		Age 55 regardless of years of service; or 20 years regardless of age EARLY: 50 + 10 years	YES	YES	YES	LOD: accrued, but not less than 66 2/3% less SS, WC, but not less than 42%. NLOD: accrued retirement benefit, but not less than 25% of FME.	TIER ONE: 3% of AME for 1st 10 Years + 4% for the next 10 years + 2% for the next 10 years with a maximum of 90% of FAE. TIER TWO: Effective 10/1/10 benefit accrual factor is 3% for first 20 years of service, and 2% for each year thereafter up to max of 80%; however, after 40 years, employee shall earn 2% for each additional year of service.				Y	Y	10	7.00 %	DROP - may participate with five years after reaching normal retirement. Total years of service and DROP participation not to exceed 30 years.
LL	Davie	F		Age 55 + 10 years; or 20 years of service regardless of age EARLY: 10 years regardless of age	YES	YES	YES	LOD: 66-2/3%of FME, not less than greater of 42% of FMC or accrued benefit. NLOD: With 10 yrs. svc., 2% of AME, but not more than 50% of monthly earning at time of disability, not less than greater of 25% of FMC or accrued benefit.	3% of AME for 1st 10 Years + 4% for the next 10 years with a maximum of 90% of FAE.				Y	Y	10	9.00 %	*COLA paid as 13th check DROP participation up to 6 years. Effective 1/1/12 - Stop/Restart enacted to allow for greater use of state moneys.
LL	Daytona Beach	P & F		Age 55 + 10 years; or 20 years regardless of age EARLY: 50 + 10 years; hired after 8/6/14 age 55 + 10 yrs or 25 yrs regardless of age	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC: 1) If less than 10 yrs. svc., 50% of AFC, 2) 10-14 yrs. - 60% of AFC, 3) 15 or more - 75% of AFC. NLOD: accrued benefit with 5 yrs. of Credited Service, but not less than 25% of AFC: 1) If 5-10 yrs., 37.5.% of AFC, 2) 10 but less than 20, 50% of AFC.	POLICE: 3.38% with maximum of 90%. After 10/1/11 - 3% with max of 90%. FIRE: 3.5% with maximum of 90%, plus supplement of \$8.50 per month per year of service with maximum of \$215 per month.				Y	Y	10	Police: 10% Fire: 9.7%	
LL	Deerfield Beach CLOSED - effective 10/1/11 transferred fire services to Broward Co.	F		Age 52 + 10 years; or 20 years regardless of age EARLY: 47 + 10 years	YES	YES	YES	LOD: 42% of AFC, not less than accrued benefit. NLOD: must have 10 yrs. cr. svc., 25% of AFC, not less than accrued benefit.	3.00% for the 1st 10 years of credited service; 3.25% for each additional year over 10. MAX 90% of AFC.	Y			Y	Y	10	9.00 % (city pick-up)	DROP may start at normal retirement or age 47, regardless of years of credited service. Self-directed. COLA: 2% deferred to 6 years after retirement. Share Plan receives state moneys in excess of
LL	Deerfield Beach CLOSED 1/13/90	P		Age 47 + 10 years; or 20 years regardless of age	YES	YES	YES	LOD: 42% of AFC, not less than accrued benefit. NLOD: after 10 years of svc.,25% of AFC, not less than accrued benefit.	3.00% MAX 90%	Y			Y		10	9.00 % (city pick-up)	Closed to new members Share Plan deposits are made from "increases" in state premium tax moneys.
LL	DeLand	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, not less than 50% of avg. mo. salary. NLOD: accrued benefit, not less than 25% of avg. mo. salary.	3.00%				Y	Y	10	5.00 %	
LL	DeLand	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 60% of FMC NLOD: 50% of FMC	3.00%				Y	Y	10	7.75 % (city pick-up)	COLA is 1.5% each January beginning at age 55 after one year of retirement or after three years of retirement, whichever comes sooner.
LL	Delray Beach	P & F		Age 55 + 10 years; or Age 52 regardless of years of service; or 20 years regardless of age. EARLY: 50 + 10 years	YES	YES	YES	LOD: greater of the accrued pension or 60% of AME. NLOD: with 10 Years of continuous service, 2% of AME x yrs. cr. svc., with a minimum of 25% of avg. mo. earnings.	2.5% for employees with more than 10 but less than 20 Years of continuous service. 3.5% for each year of continuous service for attained 20 or more Years of continuous service.				Y	Y	10	6.00 %	

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Deltona	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued retirement, but no less than 60% of AFC at disability date NLOD: after 10 years of svc his accrued retirement benefit, but no less than 25% of AFC.	3.00% <u>plus</u> 3% for each year of past service credit over 25 years up to max. of 100%. <u>Plus supplement</u> - yrs. of svc. x \$5, but no more than \$125 per mo.			Y		Fixed monthly compensation	10	8% (city pick-up)	
LL	Destin Fire Control District	F		For those hired after 10/1/12: Age 55 + 10 years; or Age 52 + 25 years For those hired before 10/1/12: Age 55 + 10 years; or 20 years of service regardless of age EARLY: Age 50 + 10 years	YES		YES	LOD: accrued retirement, but no less than 42% of AFC. NLOD: after 10 yrs. of svc.	For those hired after 10/1/12 - 2.5% For those hired prior to 10/1/12 - 3.5%			Y		Base pay, plus state educational incentive pay, EMT and Parmedic educational differential pay.	For those hired after 10/1/12 - 10 years For those hired prior to 10/1/12 - 7 years	6.80 %	DROP: 60 month participation; participants may choose from plan investment return or 6.5% guaranteed return. COLA- For those hired prior to 10/1/12 - 2% increases beginning the 10/1 following one full year of retirement. For those hired after 10/1/12 - No COLA
LL	Dunedin	F		Age 55 + 10 years; or Age 52 + 25 years; or 20 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: greater of 60% of avg. salary over the best five yrs. Or accrued benefit. NLOD: after 10 years of svc., greater of 30% of avg. salary over the best five yrs. or accrued benefit.	Not less than 2% but not more than 3% of AFC. 1-25 Years Credited Service, 3.00%, 25-37.5 Years Credited Service, divide the number of Years Credited Service by 75%, More that 37.5 Years of Credited Service, 2.00%. <u>Plus supplement</u> - yrs. of svc. x \$3, but no more than \$75 per mo.	Y		Y		Fixed monthly compensation for services rendered to the City as a Firefighter, including holiday pay, plus all tax deferred, sheltered & exempt items of income.	10	5.50 %	Share Plan - 75% of increases in state moneys over \$283,050 will go into share plan. The remaining 25% will be held in the DB plan for new extra benefits.
LL	Dunnellon	P & F		Age 55 + 10 years; or 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: 65% of AFC, not less than accrued benefit. NLOD: after 10 years of svc., 25% of AFC, not less than accrued benefit.	2.50%			Y		POLICE: Total cash remuneration paid for services rendered to the city, plus lump sum payments for accrued sick leave, exit bonuses, severance payments, other bonuses as stated in FRS rules. FIRE: Fixed monthly compensation.	10	1.00 %	
LL	East Lake Tarpon Special Fire Control District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: 42% of AFC, not less than accrued benefit. NLOD: after 10 years of svc., 25% of AFC, not less than accrued benefit.	3.00%			Y	Y	Chapter	7	5.00 %	DROP is for up to 5 years. COLA - .65% increases beginning 10/1 following five years of retirement.
LL	East Naples Fire Control District	F		Age 55 + 6 years; or 25 years regardless of age EARLY: Age 50 + 6 years	YES	YES	YES	LOD: 42% of AFC, not less than accrued benefit. NLOD: 25% of AFC, not less than accrued benefit.	3%, <u>plus</u> an additional supplemental benefit is also payable in the monthly amount of \$5 multiplied by Credited Service with maximum of \$150 per month.	Y			Y	Base Pay including overtime, but excluding any other nonregular payments.	6	3.00 %	Share Plan established for all active members effective 10/1/09. Intial distribution of accumulated increases of \$1,217,569 with subsequent increases of state moneys in excess of \$659,404 (note initially frozen amount is \$902,451).
Chapter	East Niceville Fire District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%					Chapter	10	5.00 %	
Chapter	Eatonville	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.00%					Chapter	10	5.00 %	
LL	Edgewater	F		Age 55 + 5 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 42% of AFC NLOD: must have 5 yrs. cr. svc., 25% of AFC.	3.00%	Y		Y		Total cash remuneration for services rendered.	5	6.00 %	Share Plan established for all members retiring after July 28, 2008 with state moneys in excess of \$63,784.63.
LL	Edgewater	P		Age 55 + 5 years; or 20 years regardless of age EARLY: 50 + 5 years	YES	YES	YES	LOD: 42% of AFC, not less than accrued benefit. NLOD: must have 5 yrs. cr. svc., 25% of AFC, not less than accrued benefit.	3.00%			Y		All wages reported on W-2 form.	5	6.00 %	
LL	Englewood Area Fire Control District	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.25%				Y	Base pay plus longevity pay and tax exempt/deferred items.	10	7.00 %	COLA - 1.7% increase each 10/1 following one full year of retirement
LL	Estero Fire Protection & Rescue Service District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: 10 years regardless of age	YES		YES	LOD: accrued benefit, not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., not less than 25%.	2% for years of service prior to 12/1/00, 3.7% for service on or after 12/1/00 through 9/30/10, 3% for service on or after 10/1/10.	Y		Y	Chapter	10	3.00 %	DROP is for up to 5 years. SHARE PLAN - effective 10/1/11 any increases over and above \$267,811 will be allocated to the member who were active during the year.	
LL	Eustis	P		Age 55 + 5 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued retirement benefit but not less than 65%. NLOD: not less than 25%.	2.5% for Credited Service up to 12/31/88. 3.0% for Credited Service after 12/31/88.				Y	Total cash remuneration including over-time paid by the City.	10	4.00 %	Annual COLA of 3%.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Eustis	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued retirement benefit but not less than 65% of AFC. NLOD: not less than 25% of AFC.	4.00%			Y		Gross Salary	10	4.00 %	
LL	Fernandina Beach	P & F		Age 55 + 6 years; or 25 years regardless of age EARLY: 50 + 6 years	YES	YES	YES	LOD: accrued benefit, not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.25%			Y		Total cash compensation for services rendered reported on W-2 plus all tax deferred items of income.	6	7.70 %	Effective 10-1-00 one-time increase in benefits for current retirees of 1.5%. DROP participation shall not exceed 60 months.
LL	Flagler Beach	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.19%					Chapter	10	10.00 %	
LL	Flagler Beach	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3%, plus \$40 per month per year of service supplement.					Chapter	10	5.00 %	
LL	Frostproof (Closed Plan - Law enforcement services transferred to Polk County effective 1/1/07)	P		Earlier of: Age 50 regardless of years of service; or 20 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, not less than 50% of AFC. NLOD: greater of accrued benefit, or 25% of AFC.	3.55%			Y	Y	Total compensation for services rendered as a police officer reportable on the member's W-2 form plus all tax deferred, sheltered or exempt items of income.	Graduated 5 - 10	1.00 %	
Chapter	Fruitland Park	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%					Chapter	10	5.00 %	
LL	Ft. Lauderdale	P & F		Age 55 + 10 years; or 20 years continuous regardless of age; or The date on which a former police officer or firefighter would have attained age 50 + 20 years EARLY: 50 + 10 years	YES	YES	YES	LOD: 65% of AFC, not less than 42% of AFC. NLOD: 50% of AFC, not less than 25% of AFC.	3.38% FIRE: Also, Share Plan funded with accumulated increases and future increases over the 1997 amount.	Y		Y		POLICE: Fixed monthly remuneration and regular longevity bonus paid to a member including contributions "picked-up" by the City, plus all tax deferred items of income, including up to 40 hours of overtime. FIRE: Fixed monthly remuneration and regular longevity bonus paid to a member including contributions "picked-up" by the City, plus all tax deferred items of income.	10	8.50 %	Effective October 1, 2011 member contributions shall be increased to 8.25% for members hired before April 18, 2010. Second Tier created: All members hired after April 185, 2010 shall make 8.5% member contributions.
LL	Ft. Myers	P		Age 55 regardless of years of service; or 25 years regardless of age EARLY: Age 45 + 10 years; or 15 years regardless of age	YES	YES	YES	LOD: 3.4% of AFC times cr. svc., not less than 42%, plus \$290. NLOD: after 5 yrs. svc.	3.24%, <u>plus</u> \$290 mo. supplement for life.			Y	Y	Total compensation for services rendered to the city as a police officer reportable on member's W-2 Form plus all tax deferred, sheltered or exempt items of income.	5	10.00 %	COLA: beginning earlier of 24 months after retirement or age 60, members receive 3% per year on the base benefit. DROP is for up to 60 months, choose either plan's investment earnings or 3% guaranteed return.
LL	Ft. Myers	F		Age 52 regardless of years of service; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued retirement, but no less than 60% of his AFC, plus \$200 per month, plus 3% COLA beginning at age 60. NLOD: must have 10 yrs. cr. svc., accrued retirement benefit.	3.11%, <u>plus</u> \$200 mo. supplement for life.			Y	Y	Total compensation for services rendered to the city as a firefighter reportable on member's W-2 Form plus all tax deferred, sheltered or exempt items of income.	10	8.00 %	COLA is an annual 3% increase beginning two years after retirement. DROP is for up to 60 months, choose either plan's investment earnings or 6.5% guaranteed return.
LL	Ft. Pierce (P - Supplemental)	P		Age 55 + 10 years; or 25 years regardless of age. EARLY: Age 45 + 10 years	YES	YES	NO	LOD: 10 or more years of cr. svc. with lump sum payment = to accrued benefit	The greater of 2% of AFC, up to \$1,000 per month ; or 1% of AFC x Credited Service up to 30 year.		Y	Y		Total Salary paid for services rendered. For officers hired prior to 10/12, unused sick and annual may be included that was accrued up to 9/30/12.	10	7.00 %	Supplemental Plan provides enhanced DB benefits to police officers.
LL	Ft. Pierce City Plan	P & G		Age 55 + 5 years; or 25 years regardless of age	YES	YES	YES	LOD: not less than 75% of AFC. NLOD: 5 yrs. cr. svc. based on Cr. svc. and Final Avg. Salary at time of disability	POLICE: 3.00%			Y	Y	Total salary paid for services rendered	10	5.16 %	DROP is for up to 5 years and is self-directed. COLA: ad hoc based on excess investment returns, but not to exceed 3%.
LL	Ft. Walton Beach	P		Age 55 + 10 years; or 30 years regardless of age Members hired between the ages of 45 & 50 must work 10 years. EARLY: Age 50 + 10 years; or 25 years regardless of age	NO		YES	LOD: accrued benefit, not less than 50% of current comp. NLOD: 40% of current compensation. If sickness, 2 yrs. cr. svc. required.	2.75%				Y	Total W-2 Compensation	10	5.00 %	
LL	Ft. Walton Beach	F		Age 55 + 10 years; or 25 years of service EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 50% of AFC. NLOD: must have 10 yrs. svc., accrued benefit, but not less than 25% of AFC.	2.75%			Y	Y	Total Compensation (including tax deferred & exempt income); but <u>excludes</u> sick/vacation pay.	10	6.60 %	DROP is for up to 3 years.

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LL	Gainesville	P & F		Age 55 + 10 years; or 20 years regardless of age; or rule of 70. EARLY: None	YES	YES	YES	LOD: monthly accrued benefit or 42% of final avg. earnings. NLOD: must have 5 yrs. cr. svc., monthly accrued benefit or 25% of final avg. earnings.	2.5% for service prior to 10/1/05; 2.625% for service after 10/1/05			Y	Y	Earnings are base pay (which includes all paid leaves), all overtime pay, longevity pay, educational incentive pay, "billable overtime", special assignment or duty pay, paramedic certification pay, call-back & stand-by pay and termination vacation pay.	10	7.50 %	DROP is for up to 3 years and provides a 5.5% interest rate of return.
LL	Golden Beach	P (Share)		Age 55 + 10 years; or Age 52 + 20 years EARLY: Age 50 + 10 years	YES		YES	LOD: greater of monthly accrued benefit or 70% of final avg. earnings. NLOD: must have 5 yrs. cr. svc., greater of monthly accrued benefit or 25% of final avg. earnings.	2.75%-for service prior to 10/1/06, and 3% for service after 10/1/06, <u>plus</u> Share Account	Y		Y	W-2 Compensation	10	6.00 %	3.3% employee contribution goes into the General Plan and 1% employee contribution goes into the Share Plan.	
LL	Green Cove Springs (Fire transferred to County 7/17/03)	P		Age 55 + 6 years; or 25 years EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of accrued benefit or 65% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., greater of accrued benefit or 25% of avg. mo. salary.	3%, plus supplement of \$8 per month per year of svc. up to max. of \$200.			Y	Y	Chapter	6	1.00 %	COLA: 1.5% each year following the 1st year of retirement. DROP: limited to 60 months.
LL	Greenacres	P & F		Age 55 + 6 years; or 25 years regardless of age EARLY: Age 50 + 6 years	YES	YES	YES	LOD: greater of monthly accrued benefit or 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., greater of monthly accrued benefit or 25% of avg. mo. salary.	3.00%	Y			Y	Chapter	6	4.00 %	COLA 3% on a compounded basis. Share Plan - effective 2/11/12 accumulated increases in the amount of \$495,151, plus annual increases over \$336,416 to be deposited into share plan.
LL	Gulf Breeze	P		Age 55 + 6 years; or Age 52 + 25 years EARLY: Age 50 + 6 years	YES		YES	LOD: greater of monthly accrued benefit or 42% of AFC. NLOD: must have 10 yrs. cr. svc., greater of monthly accrued benefit or 25% of AFC.	3.5%, <u>plus</u> supplement of \$5.00 per month for each year of service.			Y	Y	Chapter	6	1.00 %	
LL	Gulfport	F		Age 55 + 10 years; or Age 52 + 25 years; or 30 years regardless of age EARLY: Age 50 + 10 years	YES		YES	LOD: greater of \$250 per month, accrued benefit, or 50% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit.	Greater of: \$30.00 for each year of Credited Service or 3.10% of AFC x each year of Credited Service.				Y	Total cash compensation for services rendered; excludes overtime in excess of 300 hours for service earned on or after 7/1/11.	10	10.00 % first \$1,200 of salary 5.00 % thereafter	COLA upd to 3% based on availability of frozen amount of state premium tax moneys. Effective 4/21/09 - benefit accrual rate adjusted between 3% up to 3.37% based on available increases in state moneys.
LL	Gulfport	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	2.75%					Total compensation for services rendered to the city as a police officer reportable on members' W2, plus all tax deferred, sheltered or exempt items of income. Excludes overtime in excess of 300 hours for service earned after 7/1/11.	10	8%, plus 1% made by the City on behalf of employee	
LL	Haines City	F		Age 55 + 10 years; or Age 52 + 25 years; or Age 60 regardless of years of service EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.11%					Total W-2 compensation includes tax deferred & exempt income.	10	9.00 %	
LL	Haines City	P	Y	Age 55 + 10 years; or Age 52 + 25 years; or Age 60 regardless of years of service EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.35%				Y	Total Cash Compensation for services rendered.	10	9.00 %	Mutual agree to split reserve money 50/50 with half going towards future benefits and the other half to offset UAL. Future money: \$109,171.02 will go towards offsetting City's cost and anything above that amount will go be split 50/50 in the above manner.
LL	Hallandale Beach	P & F		Age 52 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: the greater of accrued benefit , or 42% of basic comp. NLOD: must have 10 yrs. cr. svc., the greater of accrued benefit, or 25% of FMC and not more than 50% of FMC.	3.20%			Y	Y	Base salary, including pick-up contributions for all straight time hours worked, overtime, assignment pay, jury duty pay, bereavement leave, premium pay, longevity, and educational incentive payments. Excludes payments for outside service duty detail compensation, payments for accrued sick, vacation and comp ti, uniform and expense allowances, commissions and bonuses.	10	9.50 % (city pick-up)	DROP: limited to 5 years or a total of 30 years of service. COLA: a 2% adjustment each January 1 provided that the CPIU for the prior year is greater than 0.5%.
Chapter	Havana	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.50%					Chapter	10	0.50 %	
LL	Hialeah Gardens	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: must have 10 yrs. cr. svc., greater of accrued benefit or 25% of AFC.	3% for svc. Earned prior to 10/1/11, 2.75% for svc. Earned on or after 10/1/11			Y		Actual Compensation received.	5 before 10/1/90 10 after 9/30/90	5.00 %	Ord. #2000-24 Early Retirement Incentive for employees over the age of 42 with 17 Years Credited Service 3 year AFC and 3.4415 % accrual.

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LL	Hialeah (Share Plan)	P & F		Age 55 + 10 years; or Age 52 + 25 years; or Hired after 12/31/73: Age + Years = 70 or more (with at least 20 Years) EARLY: Age 50 + 10 years	YES	YES	YES	LOD: minimum of 42% of AFC. NLOD: after 10 years of service, minimum of 25% of AFC.	Prior to 12-31-73: Basic pension of \$2,800 & 2% of AFC not to exceed 30 Years After 12-31-73: Basic pension is \$1,800. & 3% of AFC not to exceed 25 Years SHARE PLAN	Y			Y	Y	Base Pay, longevity & specialty pay as recognized by personnel board.	Graduated 10 - 20	Firefighters: hired before 1/15/13 5% but if hired after 10/1/14 4% Police Officers: hired before 3/2/14 5% and after 4%	
Chapter	Holley-Navarre Fire Control District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.00%					Chapter	10	5.00 %		
LL	Holly Hill	P		Earlier of: Age 55 + 6 years; or 20 years regardless of age on & after July 1, 2011 Age 55 + 10 years , or 20 years EARLY: Age 50 + 6 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: after 10 years of service, accrued benefit, but not less than 25% of AFC.	3%, <u>plus</u> \$150 per month for life.				Y	Y	Total W-2 Earnings and all tax deferred/exempt income	6 - 10 yrs. on & after July 1, 2011	5% - 8% on & after July 1, 2011	COLA - 2% for all retirees including disability retirees beginning 5 years after retirement. DROP - not to exceed 36 months, interest paid as earned by plan.
LL	Holly Hill	F		Age 50 + 6 years, or 25 years regardless of age EARLY: 48 + 6 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3%, <u>plus</u> retirement supplement of \$19.00 per month per year of Credited Service payable to age 65.				Y	Total W-2 Earnings and all tax deferred/exempt income, excluding sick leave incentive, cleaning and 1-10 allowances and any non-regular pay.	6	8.00 %	DROP: not to exceed 36 months. Provides 6.5% interest earnings.	
LL	Hollywood	P		Effective 9/30/11 - Age 55 and 10 years of svc., or age 52 with 24 years of svc.	YES		YES	LOD: greater of monthly accrued benefit or 50% of earnings. NLOD: must have 5 yrs. cr. svc., 2.50%of AME x yrs. cr. svc., but not less than 25%of earnings at time of disability.	Effective 9/7/11 - 2%				Y	Total monthly compensation paid for services rendered, including longevity and assignment pay, but excluding overtime, payments for holiday pay, blood time, and payments for accrued unused vacation and sick pay.	10	8.00 %	DROP: lesser of 8 yrs or a total of 30 yrs of employment. DROP participants earn 6% interest .	
LL	Hollywood	F		Effective 9/30/11 - Age 55 and 10 years of svc., or age 52 with 24 years of svc.	YES	YES	YES	LOD: provides 75% of salary NLOD: must have 5 yrs. cr. svc., benefit is 25% of salary.	2.00%	Y				The fixed monthly remuneration, including wages and educational incentive payments, but excluding overtime, worker's compensation, expense allowances, cash conversion for holiday benefits, blood time and compensatory time, as well as excluding unused accrued leave payouts.	10	7.50 %	Tier One = COLA provides a 2% increase to all normal service retirees beginning 3 years after retirement. Tier Two = No COLA. Tier One = DROP applies to members who have reached age 50 + 10 years or completed at least 23 years, but less than 30. Tier Two = DROP applies to members who have reached age 55 + 10 years or completed at least 25 years, but less than 30. Tier One = 8% fixed DROP earnings; Tier Two = 6% fixed DROP earnings. Effective 9/30/11 - the DROP option, the COLA and the Supplemental benefit have been eliminated for those retiring after 10/1/11.	
LL	Holmes Beach	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 42% of AFC with less than 5 Yrs. cr. svc. 51% with 5-10 yrs. cr. svc. and 60% after 10 or more yrs. of Credited Service. NLOD: must have 10 yrs. cr. svc., accrued benefit but not more than 60% of AFC.	3.25%, plus supplemental monthly benefit of \$5.00 per year of service.				Y	W-2 Earnings	Graduated 5 - 10	6.00 %	COLA provides a 2% increase upon the retiree's first anniversary and 2% thereafter for his or his beneficiary's lifetime.	
LL	Homestead	F		Age 55 + 10 years; or 52 + 25 years EARLY: Age 45 + 10 years	YES		YES	LOD: accrued benefit or 50% of AFC. NLOD: 25% of AFC.	3.00%				Y	Base compensation plus longevity compensation		5.00 %		
LL	Homestead	P		Age 55 + 10 years; or Age 52 + 20 years; or 25 years regardless of age; or Age + Years = 64 or more EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of accrued pension or 50% of final avg. comp. NLOD: must have 5 yrs. cr. svc., greater of accrued pension or 25% of final avg. comp.	3.5% of AFC times total service to a max. of 80% of AFC; plus, 2% of AFC for all years of service in excess of 40 years of service.				Y	Y	Total Pay, including up to 254 hrs. of overtime	10	7.65 %	
LL	Howey In The Hills	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%					Chapter	10	5.00 %		

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Indialantic	P & F		Earlier of : Age 55 regardless of years of service; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary NLOD: after 10 yrs. of cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%			Y		Total salary earning.	10	5.00 %	
LL	Indian Harbour Beach	P		Age 52 + 10 years EARLY: Age 50 + 10 years	YES		NO	LOD: 50% of regular base salary, but not less than his accrued retirement benefit or 42% of his AFC at the time of his disability. NLOD: return of member contributions	3.00%				Y	Total Cash Remuneration.	10	5.50 %	COLA 3% commencing 7-1-01
LL	Indian River Shores	P & F		Age 55 + 7 years of service; or age 52 + 25 years of service EARLY: Age 50 + 7 years of service	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary NLOD: must have 10 yrs. cr. Svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.75%	Y				Total cash remuneration including all overtime	Graduated 2-7 years	9.00 %	
Chapter	Indian Shores	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.50%					Chapter	10	5.00 %	
LL	Jacksonville	P & F		20 years regardless of age	NO	YES	YES	Form of benefit same as for active or retired employees. 60% of earnings base or retirement benefit if greater; minimum of \$400 per month.	3% for first 20 years of credited service, 2% for next 10 years of service, with minimum of \$400 per month.			Y	Y	Base Salary, includes longevity, city college incentive, enhanced certification pay, emergency operation and hazardous duty pay, shift differential, and upgrade pay. Exludes overtime, state incentive pay and payments for unused accrued time.	5	7% (variable)	DROP not to exceed 60 months.
LL	Jacksonville Beach	P		Age 55 + 5 years; or Age 52 + 25 years; or 30 years regardless of age EARLY: Age 50 + 10 years; or 20 years regardless of age	YES		YES	LOD: accrued benefit with a minimum of 50% of AFC before regular retirement age, at regular retirement age minimum of 42% of AFC. NLOD: accrued benefit with 10 Yrs. cr. svc., not less than 25% of AFC.	3.00% for first 30 Years, and 2% for each year in excess of 30 years.			Y		Salary paid for services rendered includes longevity, over-time, shift, incentive pay, and up to 750 hrs. of vacation & sick leave pay.	5	6.45 %	
LL	Jacksonville Beach	F		Age 55 + 5 years; or Age 52 + 25 years; or 30 years regardless of age EARLY: 20 years regardless of age	YES		YES	LOD: accrued benefit with a minimum of 50% of AFC before regular retirement age, at regular retirement age minimum of 42% of AFC. NLOD: accrued benefit with 10 Yrs. cr. Svc., not less than 25% of AFC.	3.00% for first 30 Years, and 2% for each year in excess of 30 years.			Y	Y	Salary paid for services rendered for personal services to the city shall include overtime, longevity, shift differentials, incentive pay vacation, holiday & sick leave.	5	6.45 %	COLA - 2% for all retirees beginning 2 years after retirement.
LL	Jupiter	P		Age 55 + 10 years; or Age 60 regardless of years of service; or Age + Years calculated in months = 780 months EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, min. of 60% of AFC, plus monthly supplement of \$100 and \$5 per yr. of cr. svc.	3% of Average monthly salary times yrs. of credited service, <u>plus</u> monthly supplements of \$100 and \$5 per year of credited service.			Y		Total cash compensation including overtime, but not including any payments for extra duty or a special detail work performed on behalf of another employer.	10	7.56 %	
LL	Key Biscayne	P & F		For Police and Fire: Age 55 + 5 years; or Age 52 + 25 years. For Firefighters only, may retire based upon a combination of age and service equal to 75 years. EARLY: 50 + 5 years	YES		YES	LOD: accrued benefit, not less than 70% of AFC. NLOD: must have 5 yrs. cr. svc., accrued benefit, not less than 50% of AFC.	POLICE: 3% FIRE: 3% for 1st 15 years and 4% for all years in excess of 15.	Y		Y		Total cash remuneration for services rendered. Fire Share plan	5	10.5% and any difference required over the 14% ER cap implemented 8/26/14.	Share Plan for Fire: includes accumulated increases and any annual increases over \$235,255. DROP - For Fire & Police: is for 60 months.
LL	Key West	P & F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greatest of 42% of avg. mo. comp. , accrued benefit, 18 times avg. mo. comp. Shall not exceed 60% of benefit. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% .	3.0% of final monthly compensation by the number of years of credited service, <u>plus</u> \$269 from date of retirement until member's 65th birthday. Effectife 3/11/14 2.75% for Firefighters and effective 8/26/14 2.75% for Police Officers.	Y		Y		Base salary and compensatory time pay,educational incentive pay, percentage increases to base pay, experience, longevity and years of service pay and licensure or training pay, including pick-up contributions for all hours worked. Shall not include payments for accrued sick, vacation,compensatory, holiday pay.	Graduated 5 - 10	7.00 % (city pick-up)	
LL	Kissimmee	F		Age 50 + 10 years; or 25 years regardless of age EARLY: Age 40 + 10 years; hired after 1/1/13 age 55 + 10 years or 30 years regardless of age	YES	YES	YES	LOD: accrued benefit with a minimum of 42% of AFC. NLOD: must have 5 yrs. cr. svc., accrued retirement benefit, but not less than 25% of AFC.	3.23% of AFC for the 1st (30) Years, + 2% for each year in excess of (30). Max is 100% of AFC; hired after 1/1/13 3% of AFC + 2% for each year in excess of 30.			Y	Y	Total compensation reported on W-2 form; excludes lump sum accrued sick/vacation pay, includes overtime, longevity and incentive pay.	Graduated 5 - 10	1.00 % (city pickup); hired after 1/1/13 3%	DROP is 60 months. COLA: Effective 10-1-01 monthly benefit for retirees on or before 10-1-00 is increased by 2% for each full year of retirement up to a maximum of 10%. One percent (1%) COLA payable each year beginning when retiree reaches age 56. 8/20/13 implemented stop/start

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Kissimmee	P		Age 50 + 10 years or 25 years any age EARLY: Age 40 + 10 years	YES		YES	LOD: accrued benefit with a minimum of 42% of AFC. NLOD: must have 5 yrs. cr. svc., accrued retirement benefit, but not less than 25% of AFC.	3.5%; hired after 5/6/14 3%	Y		Y	Y	Total compensation reported on W-2 form; includes overtime, longevity and incentive pay; excludes special assignment & special detail pay and all tax deferred, sheltered or tax exempt items of income derived from elective employee payroll deductions or salary reductions.	Graduated 5 - 10	3.7%; hired after 5/6/14 5%	Prem Tax Rev rec'd above \$1,177,117.00 will go into a share plan
LL	LaBelle	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit with a minimum of 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	2.00%						10	1.00 %	
LL	Lady Lake	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, not less than 42% of AFC NLOD: must have 10 yrs. cr. svc.	3.3%, <u>plus</u> a supplemental monthly benefit of \$200			Y		Total compensation for services on W-2 plus all tax deferred, tax sheltered, or tax exempt items of income	10	5.00 %	Member contributions are pre-tax (414(h)(2))IRC; Provide future service retirees with a \$100 per month benefit supplement, payable for life
LL	Lake Alfred	P & F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, not less than 42% of AFC NLOD: must have 10 yrs. cr. svc., accrued benefit, not less than 25% of AFC.	2.75%			Y		Chapter	10	5.00 %	Fire levying ordinance passed on 6/20/11. It is likely that they will combine the firefighters into the existing Police Officers' Retirement Plan. (7/6/11 - Pending establishment of fire portion).
LL	Lake City	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: 42% of current final mo. comp. NLOD: must have 10 yrs. cr. svc., 27.5% of current final mo. comp.	2.75%, <u>plus a</u> supplement equal to \$5 per month times credited service			Y	Y	Total cash remuneration	10	5.00 % (city pick-up)	COLA: Commencing at age 60 retirees will receive a 2% adjustment to annual retirement benefit.
LL	Lake City	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: 3% of final mo. comp. x cr. svc., not less than 42% of AFC, plus \$290. NLOD: must have 10 yrs. cr. svc.	After 10/1/08, 4%, prior to 10/1/08 3.00%, <u>plus</u> a monthly supplement equal to \$10.00 per month times years of credited service, payable on member's retirement date or the end of the member's DROP participation..			Y	Y	Chapter	10	5.00 % (city pick-up)	COLA: available only to those who retired before 10/1/08.
LL	Lake Helen	P		Age 55 + 6 years; or 25 years regardless of age EARLY: 10 years regardless of age	YES	YES	YES	LOD: greater of accrued benefit or 42% of avg. mo. comp. NLOD: must have 10 yrs. cr. svc., greater of accrued benefit or 25% of avg. mo. comp.	3.00%					Chapter	6	1.00 %	
LL	Lake Mary	P		Age 55 + 5 years; or 20 years regardless of age EARLY: Age 50 + 5 years	YES	YES	YES	LOD: greater of accrued benefit or 50% of salary NLOD: must have 10 yrs. cr. svc., accrued benefit	3.20%			Y		Total compensation as reported on member's W-2 form, plus all tax deferred, sheltered, or exempt items of income.	5	5.00 %	
LL	Lake Mary	F		Age 55 + 5 years; or 20 years of service regardless of age EARLY: Age 50 + 10 years	YES		YES	LOD: greater of his accrued retirement benefit, but no less than 50% of his current salary NLOD: must have 5 yrs. cr. svc., accrued retirement, but not less than 25% of his current salary	3.20%			Y		Full-Time: Total compensation for services rendered as a firefighter reportable on W-2, excluding lump sum payments for sick and vacation leave at termination. Volunteers: Total Cash paid annually derived from actual services rendered as a Volunteer Firefighter, excluding bonuses.	5	5.00 %	
LL	Lake Wales	F		Age 55 + 10 years; or Age 50 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3.00%			Y		Effective 7/1/11, salary means the fixed monthly remuneration paid a firefighter, including up to 300 hours of overtime, and excluding payments for accrued unused vacation and sick leave for service earned after 7/1/11.	10	5.00 %	DROP not to exceed 60 months. Cash lump sum at termination of employment.
LL	Lake Wales	P		Age 55 + 10 years; or Age 52 + 25 years; or Members retiring on or after 10-1998: Age 50 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3% after 10-1-98			Y		Effective July 1, 2011, salary means total cash remuneration, including up to 300 hours of overtime per year, but excluding any payments for extra duty or special detail work performed on behalf of a second party employer, and excluding any payments for accrued unused vacation or sick leave for service earned after July 1, 2011.	10	5.00 %	10/1/12 - AFC is average 5 highest of last 10 yrs

BRIEF SUMMARY OF PLAN BENEFITS

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LL	Lake Worth	P & F		Age 55 + 10 vesting credits; or 20 years regardless of age; or Rule of 75 (Age + Years = 75 or more) EARLY: Age 50 + 10 years	YES	YES	YES	POLICE: LOD = accrued benefit calculated as though the member has 20 yrs. cr. svc. Payable for life. NLOD = must have 10 yrs. cr. svc., amount of normal benefit which has accrued. FIRE: LOD = greater of 50% of AFC or accrued benefit. NLOD = must have 10 yrs. cr. svc., amount of normal benefit which has accrued.	POLICE: 3% FIRE: 3.75% (13th check)	Y		Y	Y	Annual rate of pay earned excludes overtime and payments for unused leave time.	Police: 10 Fire: 10	Police: 7.06 % Fire: 11.25 %	Annual COLA payable to participants that have been retired for 3 consecutive Years equal to 1/2 of the actuarial gain realized for the prior fiscal year. Share plans for police & fire. Ordinance 2013-31 merges assets of Division 1 and Division 2. No benefit changes. Division 1 board will oversee Division 2.
LL	Lakeland	P		Age 55 + 10 years; or 25 years regardless of age. Early: age 50 with 10 years	YES	YES	YES	LOD = accrued retirement, but not less than 65% NLOD = must have 10 yrs. cr. svc., accrued retirement, but not less than 40%.	3%			Y		Total W-2 compensation, plus all tax deferred, tax sheltered and exempt items of income.	10	11.00 %	DROP: up to 60 months. Effective 6/1/09 - the police officers were moved from the old General Employees' Plan and the Supplemental Plan into the new Police Officers' Plan. Employees have option of choosing three tiers, with bulk of existing members and all new hires going into the Second Tier.
LL	Lakeland City Plan	F & G		Fire: age 62 + 10 years Fire: Early - Age 52 + 10 years	NO		NO - F	FIRE: None	3.00% of AFC for first 15 years of Credited Service, <u>plus</u> 1% of AFC for Credited Service in excess of 25 years.				Y	Total Salary Received	10	7.00 %	
LL	Lantana	P		Age 50 + 10 years	YES		NO	LOD: accrued benefit with 10 yrs. cr. svc. NLOD: accrued benefit, eligible for minimum of 25% of his AFC.	3% , <u>plus</u> a monthly supplement amount equal to \$35 per year of service.			Y	Y	Base salary not including overtime, bonuses or any other nonregular payments.	Graduated 10 - 15	7.00 %	
LL	Lantana CLOSED	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: normal pension earned at time of disability, subject to a minimum of 75% of AFC. NLOD: after 5 years of service, normal pension earned at time of disability, subject to a minimum of 25% of AFC.	3.00%			Y	Y	Total annual salary paid for services rendered. Includes overtime, accumulated annual leave and other payments in addition to employees base pay.	10	10.00 % total 2.00 % to db 8.00 % share	COLA: 3% each Oct. 1 following attainment of age 55 or one year after receipt of retirmnt benefit.
LL	Largo	P & F		Age 55 + 10 years; or 23 years regardless of age; or Age 62 regardless of years of service EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 60% of AFC, if total benefit plus workers comp. benefit exceeds 100% of AFC, the excess over 100% will be used to reduce the disability benefit. NLOD: must have 10 yrs. cr. svc., 50% of AFC, if total benefit plus workers comp. Benefit exceeds 100% of AFC, the excess over 100% will be used to reduce the disability benefit.	3.25%	Y		Y		Compensation for services rendered as a police officer or firefighter for regular hours; excludes overtime.	10	5.00 %	Ordinance #2002-04 grants a one-time ad-hoc COLA to members retired as of 10-1-98. Maximum DROP period for Police is 7 years and for Fire is 5 years. FIRE SHARE PLAN: Effective 10/1/09 - established for Firefighters using accumulated increases and future increases over \$325,839 of state moneys. POLICE SHARE PLAN - for Police is effective 10/1/11 - includes all accumulated increases and future increases over the frozen amount. <i>(Note: increases in state moneys were not used to bring "salary" up to 300 hours of overtime based on Ch. 2011-216, Laws of FL).</i>
LL	Lauderdale By The Sea (Volunteer)	F		Age 55 + 10 years, or age 52 with 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: \$10.00 per month for each yr. of cr. svc. or 2% of avg. mo. earnings. NLOD: must have 10 yrs. cr. svc. or 2% of avg. mo. earnings.	\$10 per month for each yr. of Credited Service					Member's total cash incentives from the City.	10	5.00 %	
LL	Lauderhill	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of accrued benefit or 50% of rate of monthly earnings in effect at disability. WC & SS offset. NLOD: must have 2 yrs. cr. svc.	3% for all years prior to 10/1/03, and 4% for all years after 10/1/03.			Y	Y	Fixed monthly remuneration paid by the city to a firefighter.	10	13.72 % (city pick-up)	Eligible for DROP after 20 years credited service. Maximum participation in DROP 60 months. COLA: after 3 years, 1.5% increase in benefit.
LL	Lauderhill	P		Tier One: Age 55 + 5 years; or 20 years regardless of age Tier Two: Age 55 + 10 years; or 25 years regardless of age. EARLY: Age 50 + 5 years	YES	YES	YES	LOD: must have 10 yrs. svc., greater of accrued benefit or 42% of mo. earnings. NLOD: must have 10 yrs. cr. svc., greater of 2% of AME times yrs. of svc. or 25% of rate of mo. earnings.	Tier One: 3.5% (13th check, based on investment gains & total experience gains) Tier Two: 3. % (employee option to purchase 3.5% benefit)			Y		Tier One: Total Cash remuneration for services rendered Tier Two: base pay, longevity pay, education incentive pay, assignment pay, and up to 300 hours of overtime.	Tier One: 5 Tier Two: 7	10.00 %	Tier One: COLA is variable and is provided out of excess investment return and net experience gains. Tier Two: No COLA DROP participation is for maximum of 5 years. Tier Two: all police officers hired after March 23, 2009

BRIEF SUMMARY OF PLAN BENEFITS

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LL	Leesburg	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: equal to 50% of basic comp. paid in the calendar yr. preceding date of term. of svc. not to exceed 100 x's normal ret. income. NLOD: (less than 10 yrs.) - the greater of act. value of accrued ret. at date of dis. or smaller of 2 x's basic comp. paid in the calendar yr. preceding date of dis. or 60% of ret. (more than 10 yrs.) - greater of single -sum value of accrued ret. or 30% of basic comp.	3% , <u>plus</u> a monthly supplement of \$10.50 per month per year of credited service, payable for a maximum of 13 years.	Y			Y	Compensation actually paid to a participant, but excludes over-time, shift differential, commissions, bonus payments, sick/annual/compensatory time, expense allowances, & all forms of extraordinary compensation.	10	6.50 %	Ad-hoc COLA every 3 Years not to exceed 3%. SHARE PLAN - allocates accumulated increases since 1999 and future increases over the frozen amount to all firefighters.
LL	Leesburg	P		Age 55 + 10 years; or Age 50 + 25 years EARLY: Age 45 + 10 years	YES		YES	LOD: accrued retirement benefit, but no less than 50% of AFC. NLOD: must have 10 yrs. cr. svc., accrued retirement benefit, but no less than 25% of AFC.	3% prior to May 27, 2003 and 2% thereafter.			Y		W-2 Compensation, includes lump sum payments for sick/annual/compensatory leave, bonuses as well as all tax deferred/exempt items.	10	7.65 %	DROP - participation up to 60 months.
LL	Longwood	P & F		Age 50 + 5 years; or 25 years regardless of age	YES	YES	YES	LOD: accrued benefit, but not less than 50% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3% , <u>plus</u> supplemental benefit for those eligible for normal retirement.					FIRE: Fixed Monthly Compensation. POLICE: Total Cash Remuneration.	10	1.00 %	
LL	Lynn Haven	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc.	3.50%			Y		Total compensation for services rendered to the city as firefighter reportable on member's W-2 form, plus all tax deferred, sheltered and exempt items of income.	10	5.00 %	
LL	Lynn Haven	P		Age 55 + 10 years; or Age 60 regardless of years of service; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.50%			Y		W-2 Compensation.	10	5.00 % (city pick-up)	
LL	Madison	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3.00%			Y	Y	Total Compensation. For service earned after July 1, 2011, overtime is limited to 300 hours. Payments for accrued unused sick or annual leave for service earned after 7/1/11 is excluded.	10	9.00% total 5.00 % from Police Officers 4.00 % city pick-up	DROP is for up to 60 months - investment return is the same as the plan's earnings. COLA: 1.35% each year beginning 5 years after retirement.
LL	Madison	F		Age 55 + 10 years; or 25 years regardless of age. EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.00%			Y		Total compensation for services rendered, excluding overtime in excess of 300 hours, and excluding accrued unused sick and vacation payments for service earned after July 1, 2011.	10	7.1%	Minimum City Contribution of 4%. DROP is for up to 60 months - investment return is the same as the plan's earnings.
LL	Maitland	P & F		Age 55 + 10 years; or Age 45 + 20 years; or 20 years regardless of age & elects to pay additional contributions EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 60% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3% , plus Share Accounts	Y		Y		Total Cash Compensation	Graduated 5 - 10	Group A: 1.70 % Group B: 4.70 %	Share Plan- effective 10/1/09 - includes both retired and active employees. Funded with accumulated and future increases over designated amounts.
LL	Marathon	F		Age 55 + 6 years; or 20 years of service regardless of age EARLY: Age 50 + 6 years	YES	YES	YES	LOD: accrued benefit, but not less than 65% of avg. mo. salary. NLOD: must have 8 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.50%			Y	Y	Fixed monthly compensation	6	5.00 %	DROP is for maximum of 84 Months and earns a 6.5% annual interest. COLA: Annual 3% increase each October 1st. Reduced to 1.5% through Ord# 2013-12
LL	Marco Island	F		Age 55 + 6 years; or 25 years regardless of age EARLY: Age 50 + 6 years	YES	YES	YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: must have 8 yrs. cr. svc., greater of accrued benefit or 25% of AFC.	3.00% , <u>plus</u> a monthly benefit supplement equal to \$3 for each full year of Credited Service, not less than \$30 per mo. & not more than \$90 per mo.	Y			Y	Monthly compensation including overtime.	6	1.00 %	SHARE PLAN - provides 100% of shares for members retiring with 20 years of service, 75% for members with 15-20 years, and 50% for those with 6-15 years of service.
LL	Marco Island	P		Age 55 + 6 years; or 25 years regardless of age EARLY: Age 50 + 6 years	YES	YES	YES	LOD: day one coverage - accrued retirement benefit, but not less than 42%. NLOD: must have 8 yrs. cr. svc., accrued retirement benefit, but not less than 25%.	3.00% , <u>plus</u> a monthly benefit supplement equal to \$3 for each full year of Credited Service, not less than \$30 per mo. & not more than \$90 per mo.	Y			Y	Total cash remuneration for services rendered to include up to 300 hrs. of overtime and lump-sum payments of vacation and sick leave	6	5.00 %	Supplemental benefit of \$3 per month per year of service with minimum of \$30 per month and maximum of \$90 per month.
Chapter	Marianna	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%					Chapter	10	5.00 %	
Chapter	Marianna	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.50%					Chapter	10	5.00 %	

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Medley	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: mo. benefit equal to 2.5% of AFC times total yrs. cr. svc., minimum 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., mo. benefit equal to 2.5% of AFC, minimum amount paid shall be 25% of avg. mo. salary.	3.00%					Total cash remuneration for services rendered.	10	5.00 %	
LL	Melbourne	F		Prior to 5-9-78: Age 50 regardless of years of service; or 25 years regardless of age After 5-9-78: Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 regardless of years of service; or 20 years regardless of age	YES	YES	NO	LOD: accrued benefit at 2% benefit rate, but not less than the greater of 42% of AFC or 40% of regular base salary. NLOD: must have 10 yrs. cr. svc., accrued retirement benefit, but no less than 25% of AFC.	3.25% <u>plus</u> a monthly benefit supplement equal to \$5 for each full year of Credited Service, which increases after five years to \$7.50 .			Y	Y	Employees base pay plus incentive pay	10	6.00 %	COLA is variable based on excess investment earnings and increases in state moneys from the Enhanced Benefit Account (EBA). Supplemental benefit is also paid from the same EBA. Payments are first paid on the supplemental benefit and then the COLA.
LL	Melbourne	P		Prior to 1/01/80: Earlier of Age 50+10; or 25 years continuous regardless of age EARLY: Age 40 +10 After 1/1/80: Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 50% of AFC. NLOD: must have 366 consecutive days of cr. svc., accrued benefit, but not less than 25% of AFC.	3.00%			Y		Tier One: For those hired prior to 11/27/12 - Total Cash Compensation reported on member's W-2 form, with up to 200 hours; provided overtime shall be increased to 300 hrs. during any declared emergency. Tier Two: those hired after 11/27/12 - salary is the same except overtime is limited to 150 hours. For both tiers: excludes any payments for extra duty or special detail work performed on behalf of a second party employer, as well as any payments for unused sick and annual leave, except for those employed as of 11/27/12, shall include any such payments for leave earned prior to 11/27/12, but shall not include payments for such credit earned after 11/27/12.	10	8.00 % (city pick-up)	Tier One: hired before 11/27/12 - employee contributions are 6.5% ; Tier Two: those hired after 11/27/12 - employee contributions are 8% . DROP: 60 months or 31 years of employment with the City. Member's choice of 1)plan's net rate of return,2) 6.5% interest for those who enter DROP prior to 11/27/12; and 1.3% for those who enter DROP after 11/27/12. COLA: Tier One: Pro-rated portion of 1%, where the proration is the number of years of service on the effective date over the number of years of service at retirement, applied one year after retirement for 10 years and then ceases. Tier Two: for those hired after 11/27/12 - No COLA.
LL	Melbourne Beach	P		Age 55 + 10 years; or Age 52 + 20 years EARLY: Age 50 + 10 years	YES		YES	LOD: 50% of rate of regular base pay. NLOD: must have 10 yrs. cr. svc., accrued benefit, not less than 25% of avg. mo. earnings.	3.00%, <u>plus</u> a monthly benefit supplement equal to \$10 for each full year of Credited Service.				Y	Total Cash Compensation for services rendered.	10	5.00 %	COLA: 3% per year beginning with 10/1 following normal retirement date, ending on the 10/1 preceding age 62. (Excludes disability retirees).
LL	Miami	P & F (Share)		Age 50, or Rule of 70 (Age + Years = 70) EARLY: 20 years regardless of age	NO		YES	Ordinary: 10 or more yrs. svc. 90% of benefit rate x AFC with minimum benefit of 30% AFC; 10 yrs. certain & life Accidental: 66 2/3% of AFC or 66 2/3% of final comp. whichever is greater. 40% joint & survivor normal form, with minimum of 10 yrs. certain & life.	3.00%. Also, has Share Plan.	Y		Y	Y	Base Salary includes pick-up contribution, vacation/sick/jury duty/family-sick leave.	10	7.00 %	Ord. No. 13202, 9/27/10 - made a number of reductions in benefits...is being challenged.
LL	Miami Beach	P & F		Age 50 regardless of years of service; or Rule of 70 (Age + Years = 70 or more)	YES		YES	LOD: accrued benefit but not less than 85% of compensation. NLOD: must have 5 yrs. cr. svc., accrued benefit.	3% per year up to 20, thereafter, 4% Maximum 90%	Y		Y	Y	Members base pay, longevity, overtime, shift differential and *extra compensation allowances. (*uniform, & picked-up member contributions.) Overtime not to exceed 300 hrs	10	10.50 %	* Firefighters On-Call & State Training Certificates are not pensionable items. Merger of Base & Supplemental Pension Funds by resolution 11/2/99.
LL	Miami Shores Village	P		25 years regardless of age EARLY: Age 55 + 15 years	NO	YES	YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: must have 10 yrs. cr. svc., greater of accrued benefit or 25% of AFC.	2.91% up to 25 years of svc., but not less than 2% for all years of service.			Y	Y	Salary for personal services rendered.	10	9.00 %	1.5% COLA each 10/1
LL	Miami Springs	P		Age 55 + 10 years continuous; or 20 years continuous regardless of age EARLY: 50 + 10 years continuous	YES	YES	YES	LOD: 66 2/3% of earnings less workmen's comp. & Social Security PIA. NLOD: must have 10 yrs. cr. svc., accrued benefit, based on AME, svc. & contrib. rate.	3.50%			Y		Basic compensation <u>excludes</u> over-time and lump sum payments.	5	9.00 %	
Chapter	Midway Fire District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%					Chapter	10	5.00 %	
LL	Milton	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc.	3.1% of AFC times Credited Service, for first 15 yrs and 3.75 of AFC for after 15 yrs, <u>plus</u> a \$200.00 per month supplement until age 65.				Y	Total Cash Compensation for services rendered.	6	6.00 %	

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS	
LL	Milton	F		Age 54 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit payable for life with 10 yr. guarantee (options available) or until recovery (as determined by Board) NLOD: must have 10 yrs. cr. svc.	3.85% of AFC for each year of credited service, <u>plus</u> \$165 each month.				Y	Total compensation for services rendered to the city as firefighter reportable on member's W-2 form,	10	6.50 %	DROP: 5 years	
LL	Miramar	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of accrued benefit or 66 2/3% of AFC as of date of exit, with annual cost of living adjustment & purchasing power protection. NLOD: must have 10 yrs. cr. svc., greater of accrued benefit or 30% of AFC.	3.00% cannot exceed 80% of Average Monthly Earnings.	Y		Y	Y	Base Pay <u>excludes</u> bonuses and overtime.	10	8.47 % (city pick-up)	COLA - 3% annual adjustment. DROP - up to five years Share Plan - excess state premium tax moneys.	
LL	Miramar	P		Tier One: Age 55 + 10 years; or 20 years regardless of age; Tier Two: Age 55 + 10 years; or 25 years regardless of age. EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 66 2/3% of avg. mo. comp. NLOD: must have 10 yrs., greater of accrued benefit or 25% of AME.	Tier One: 3.25%, <u>plus</u> 5% per year for the 21, 22 and 23 years. Tier Two: 3% with max of 75% upn completion of 25 yrs. Svc.				Y	Basic Rate of pay. Auto, mileage, bonuses and over-time are excluded.	10	13.40 % (city pick-up)	Tier Two created for all employees hired after June 10, 2008. COLA: Available only for Tier One police officers; annual 2% commencing 5 yrs after retirement.	
Chapter	Monticello	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.75%					Chapter	10	7.00 %		
LL	Monticello (all volunteer)	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: after 10 years, accrued benefit, but not less than 25% of AFC.	Greater of: 1)2.5% of AFC 2)\$21.00 per month for each year of Credited Service.					Chapter	10	N/A		
LL	Mount Dora	P		Age 55 + 6 years EARLY: Age 50 + 6 years	NO		YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: must have 6 yrs. cr. svc., greater of accrued benefit or 25% of AFC.	3.25%				Y	Total Cash Compensation for services rendered as reportable on the W-2 form, plus all tax deferred income.	6	5.55%	DROP: 5 years	
LL	Mount Dora	F		Prior to 5-20-97: Age 50 regardless of years of service After 5-20-97: Age 50 + 10 years; or Age 47 + 25 years EARLY: Age 45 + 10 years	YES		YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: greater of accrued benefit or 25% of AFC.	3.25%	Y			Y	Total Cash Compensation for services rendered, for service earned after 10/1/12 excludes overtime in excess of 300 hours and payments for accrued unused sick and annual leave.	10	6.49 %	DROP: 5 years SHARE PLAN: Using accumulated increases as identified in the 12/10/12 actuarial study, all actives receive a one-time share allocation.	
LL	Naples	P		Tier One: Hired prior to 4/1/12 - Age 50 regardless of years of service; or 25 years regardless of age. Tier Two: Age 60 with 8 years of service, or 30 years of service regardless of age. Tier One: For those hired prior to April 1, 2012 - EARLY: Age 45 regardless of years of service; or 20 years regardless of age. Tier Two: For those hired after April 1, 2012, Early retirement is a 5% reduction per year for each year that early retirement precedes the new normal retirement date.	YES	YES	YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: greater of accrued benefit or 25% of AFC.	Tier One: 3.63% - Retirees also receive a monthly COLA supplement to age 62 Tier Two: effective 3/31/12 benefit accrual is 3% for all future accruals (except those that were fully vested on effective date).					Total compensation, including up to 300 hrs. of OT pay; but, excluding payments made for accrued sick and vacation, extra detail, and special detail pay.	5, but for members hired after 3/31/12, vesting is 8 years	Tier One: 5% Tier Two: 3%	Ord.#01-9183 Window for early retirement without penalty. Nov.1, 1999-Jan.31, 2000. Age 44 with 20 yrs. Credited Service. COLA: Tier One - 3% payable one year after retirement, and upon reaching age 55. Benefit payable between age 55 and age 62. Tier Two: No COLA is provided.	
LL	Naples	F		Age 50 + 20 years; or Age 55 regardless of years of service; or 25yrs. Regardless of age: <u>Effective 6/1/13</u> age 55 with 8 years of service or 25 years of service regardless of age. EARLY: Age 50 regardless of years of service: <u>6/1/13</u> age 50 with 8 years of service;	YES	YES	YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: greater of accrued benefit or 25% of AFC.	4%: Hired after 3/31/13 3%	Y			Y	Y	Base Cash Compensation <u>excludes</u> over-time, holiday and fringe benefit pay.	5	5%; hired on or after 6/1/13 3%	Share Plan established 10/1/09 using \$663K of accumulated increases and future increases in state moneys over \$1,668,662. Available upon death, regular or disability retirement .
LL	Neptune Beach	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: greater of accrued benefit or 42% of AFC. NLOD: must have 10 yrs. cr. svc.	2.75%				Y	Y	Total compensation for services rendered reportable on member's W-2 form, plus all tax sheltered or exempt items of income.	10	8.00 %	COLA: Retired after 1-1-98 will receive a 3% increase in benefits.

BRIEF SUMMARY OF PLAN BENEFITS

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LL	New Port Richey	F		Age 50 + 10 years; or Age 40 + 20 years	YES		YES	LOD: Greater of: 1) 60% of base salary or, 2) 42% of AFC, or 3) Accrued benefit as of date of disability payable for life of the surviving spouse or to dependent children in the event of death, plus \$100 per month payable to age 65. NLOD: after one year of service - Greater of: 1) 30% of base salary, or 2) 25% of AFC, or 3) Accrued benefit, plus \$100 per month payable to age 65.	3.5% of AFC x Credited Service (max.75% of AFC; min. of 2% X all yrs. svc.), plus \$200 payable for life.			Y		Total compensation reportable on member's W-2 form including over-time, plus all tax deferred or tax exempt items of income.	10	8.00 %	
LL	New Port Richey	P		Age 50 + 10 years EARLY: 20 years regardless of age Tier 2 (10/1/13): 50 with 10 yrs or 48 with 25 yrs	YES		YES	LOD: 60% of regular base salary, plus supp. benefit., Min. benefit is the greater of 42% of AFC, 2% of AFC x yrs. of svc. & 3.5% of RBS x yrs of svc., not to exceed 75% of RBS. NLOD: must have 1 yr. cr. svc., service prior to 10/20/94 - 30% of RBS, plus supp. benefit.; min. benefit after 10 yrs. cr. svc. is greatest of 25% of AFC, 2% AFC x yrs. of cr. svc., & 3.5% of RBS x's yrs. of cr. svc., not to exceed 75% of RBS.; after 10/20/94, benefit = to 5% of RBS x's yrs. cr. svc., not to exceed 30% of RBS., min. benefit after 10 yrs. greatest of 25% of AFC, 2% of AFC x yrs. of cr. svc. & 3.5% of RBS x yrs. of cr. svc., not to exceed 75% of RBS.	3.5% of AFC x Credited Service (max.75% of AFC), plus \$500 mo. supplemental payable for life. Tier 2: 3.0%			Y*	Y	Total compensation reportable on member's W-2 form plus all tax deferred or tax exempt items of income.	10	8.00 %	DROP participation not to exceed 60 months. 6.5%per annum compounded monthly of the prior month's ending balance. Effective 8/20/13 the Police Chief can opt out of 185. Tier 2 (10/1/13): eliminates DROP, AFC is best 3 yrs of last 5 yrs, limits overtime to 150 hours
LL	New Smyrna Beach	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 5 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. earnings.	3%; hired after 7/1/12 2%			Y		Fixed compensation for services rendered to the City as a firefighter plus all tax deferred, tax sheltered or tax exempt items of income.	10	4% hired b/f 7/1/12 7% hired after 7/1/12	
LL	New Smyrna Beach	P		Earlier of: Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of avg. comp. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. comp.	3.00%	Y		Y		Total cash remuneration for services rendered and shall include overtime except for extra duty performed on behalf of a 2nd party employer.	10	10.00 %	Share Plan established for all members retiring after January 1, 2004 with state moneys in excess of \$122,462. Share plan benefits shall not exceed \$750 per month.
LL	North Bay Fire Control District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3.50%				Y	Fixed monthly compensation.	10	5.00 % (city pick-up)	
LL	North Miami #691 (Fire CLOSED 10/1/69)	P & F		Age 50 + 20 years EARLY: 14 years regardless of age	NO		YES	LOD: 75% of compensation (not to exceed 100%) NLOD: vested accrued benefit or return of contributions.	2.50% for Credited Service Up to 7-1-69, plus 3% for Credited Service After 7-1-69					Total Compensation, but excludes overtime, bonuses and certain other payments.	Graduated 5 - 10	7.00 %	
LL	North Miami #748 (Fire Retirees Only)	P & F		Age 55 + 10 years; or Age 50 + 20 years EARLY: Age 50 + 10 years; or 20 years regardless of age	YES		YES	LOD: 75% of compensation (not to exceed 100%) NLOD: vested accrued benefit or return of contributions.	Prior to 07-01-79 - 1% + 3% for service after 6-30- 79, 3.5% for service after 1/1/98. Also, has Share Plan.	Y				Total Compensation <u>includes</u> member contributions "picked-up" by the City. Police share plan	Graduated 5 - 10	11.51 %	
LL	North Miami Beach (Fire is closed - went to County in 1978)	P & F		Police: Age 52 regardless of years of service; or 20 years regardless of age Fire: Age 52 regardless of years of service; or 22 years regardless of age EARLY: 45 + 15 years; or Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 60% of FMC.	FIRE: 3.3% 3.5% POLICE:			Y	Y	POLICE: Total Cash Remuneration FIRE: Fixed Monthly Compensation	10	Police: 11.51% Fire: 6.00 %	Supplemental benefit is based on the excess 175 moneys over the amount currently allowed to offset the City's contribution and will be distributed to retirees and beneficiaries. The amount will be based on a formula that accounts for both service and the amount of their monthly benefit subject to a \$20,000 limit. DROP - allows participation for up to 8 years.
LL	North Naples Fire Control District	F		Age 55 + 6 years; or 25 years regardless of age EARLY: 6 years of service regardless of age	YES	YES	YES	LOD: minimum of 65%. must have 8 yrs. cr. svc. NLOD:	3.53% through 10/1/07 - 3% thereafter unless state money is sufficient to fund .53%. <u>plus</u> with additional monthly supplemental benefit of \$5.00 per year of service with a maximum of \$150.00 and a minimum of \$30.00.				Y	Monthly compensation includes overtime but excludes lump sum payments of unused leave.	6	3.00 %	Includes a line-of-duty death benefit of 1/2 of member's salary to Spouse for her lifetime, or upon her death same benefit divided among any minor children until age 18.

BRIEF SUMMARY OF PLAN BENEFITS

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LL	North Port	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: greater of 2% x AFC x cr. svc. or 60% of earnings (80% AFC minimum for intentional violence). NLOD : must have 10 yrs. cr. svc., same as LOD, except minimum 50% of earnings.	3.5% <u>plus</u> effective 10-01-2001, current & future retirees will receive \$165.00 per month benefit supplement.			Y	Y	Total W-2 compensation plus tax deferred income.	10	8.00 %	joined the FRS effective March 2016. Employees still participate in the plan.
LL	North Port	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD : must have 10 yrs. cr. svc.	3.5%; 3% for those hired on or after 10/12/12	Y		Y	Y	Total W-2 compensation plus tax deferred income, effective 7/5/12 - excludes overtime in excess of 300 hours and excludes payments for accrued sick and annual leave for service earned after July 5, 2012.	10	10.30 %	DROP period is 36 months. Share Plan - effective 9/1/12, excess state premium tax moneys and annual increases over \$250,000.
LL	North River Fire Control District	F		Age 55 + 5 years; or 25 years regardless of age. EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD : accrued benefit with 5 Years of service, but not less than 25%	3.00%					Total W-2 Compensation minus bonuses & other non-regular payments.	5	4.50 %	
LL	Oakland Park (Police is CLOSED)	P & F		Police & Fire: Age 42 + 20 years; or Age 58 regardless of years of service; or Age 55 + 10 years Tier Two: Firefighters hired after 3/1/13 - Age 55 with 10 yrs. svc. or Age 52 with 25 yrs. svc. EARLY: 50 + 10 years; or 20 years regardless of age	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: accrued benefit, but not less than 25%	Police: 3%, subject to max of 75% Fire: 3% for first 10 yrs, 4% for next 10 yrs, 3% for next 5 yrs, with max of 85% after 25 yrs of svc. Tier Two: For those firefighters hired after 3/1/13 - 2.25%, with maximum of 70%.	Y		Y		Basic wages plus longevity pay , includes up to 300 hrs. of overtime, excludes bonuses, etc.	Graduated 5 - 10 Tier Two - Firefighters 10 years	Police: 8.50 % (city pick-up) (contributions cease after 25 years service) Fire: Tier One: 10%; Tier Two: 8%	Police is closed plan. COLA in form of 13th check in Years of actuarial gain. Tier Two: firefighters hired after 3/1/13 not eligible for COLA. DROP: 5 years SHARE PLAN: for firefighters hired prior to 3/1/13, includes increases over \$195,707 (Ord. 2007-019 improvements); No Share Plan for firefighters hired after 3/1/13 (Tier Two) . SHARE PLAN for police officers (Ordinance No. 2010-026) uses increase in state premium tax moneys in conjunction with ad-hoc COLA for retirees.
LL	Ocala	F		Age 55 + 10 years; or Rule of 70 (Age + Years = 70 or more); or 25 years of service regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: accrued benefit, but not less than 30%.	3.00%			Y	Y	Total Earnings <u>includes</u> over-time, but excludes sick/vacation pay.	10	8.42 %	
LL	Ocala	P		Age 52 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: accrued benefit, but not less than 25%.	3.33% <u>plus</u> supplemental benefit of \$10 for each yr of cr. svc.			Y	Y	Total compensation for services rendered to the City as a Police Officer, excluding special detail pay, bonuses & unused vacation & sick time, plus all tax deferred, sheltered or exempt items of income.	10	8.00 %	
LL	Ocean City-Wright Fire Control District	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% NLOD: accrued benefit, but not less than 25%.	3%, <u>plus</u> a monthly supplemental benefit of \$10 per year of service beginning 3 years after retirement until death or age 65.			Y		Total compensation as reported on member's W-2 form, plus all tax deferred, sheltered, or exempt items of income.	7	5.00 %	
LL	Ocoee	P & F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 5 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: must have 10 yrs. cr. svc.	3.50%			Y		W-2 Compensation	5	7.60 %	DROP participation is for up to 5 years, member has choice of plan's investment earnings or 6.5% fixed. BacDROP not to exceed 5 years and earns 6.5% fixed interest.
LL	Okaloosa Island Fire Control District	F		Age 55 + 10 years; or Age 52 + 25 years. EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc., accrued retirement benefit, but not less than 25%.	3.5%, <u>plus</u> additional \$250 supplement to all regular and early retirees. (reduced for early)				Y	Fixed monthly compensation for services rendered to the District as a firefighter reportable on Member's W-2.	10	8.00 %	
LL	Okeechobee	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: 2% of AFC x yrs. and completed months of continuous service with the City, 25 % of AFC, accrued benefit reduced for early ret.	3.00%			Y	Y	Basic compensation plus all tax deferred, sheltered and exempt items of income.	10	5.00 %	
LL	Okeechobee	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: 2% of AFC x yrs. and completed months of continuous service with the City, 25 % of AFC, accrued benefit reduced for early ret.	3.00%			Y	Y	Total Compensation for services rendered to the City as a Police Officer reported on the Member's W2-Form plus all tax deferred, sheltered and exempt items of income.For service earned after July 1, 2011, overtime is limited to 300 hours. Payments for accrued unused sick or annual leave for service earned after 7/1/11 is excluded.	10	5.00 %	

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Oldsmar	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 50% NLOD: must have 10 yrs. cr. svc. not less than 25% of accrued benefit at date of disability	3.25% <u>plus</u> \$3 for each yr. svc., max of \$90 per month; for service after 2/12 benefit accrual is 3.125%.				Y	Fixed monthly compensation, excluding overtime in excess of 156 hours, and exluding payments for accrued vacation and sick leave earned after 2/8/12.	10	5.00% % (pre-tax)	COLA equal to the change in the CPI not to exceed 3% in any Plan Year.
LL	Orange Park	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. svc.	3.00%			Y		Fixed monthly remuneration paid a firefighter for services rendered to the town. Remuneration shall include overtime longevity, shift pay, vacation, holiday and sick leave.	5	3.00 %	DROP participation is for up to 5 years.
LL	Orange Park	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 45 + 10 years	YES		YES	LOD: 50%of pay on date of disability NLOD: 25% of pay on date of disability.	Tier One: For those hired before 11/13/12 3.75% <u>plus</u> \$200.00 per month for service before 11/13/12, and 3.25% for service earned after 11/13/12 with \$200 monthly supplement. Tier Two: Those hired after 11/13/12 - 3.25% for service with \$100 monthly supplement.				Y	Total compensation for services rendered to the City, including overtime, commissions, bonuses, and lump sum payments for vacation & sick leave payments at termination.	5	6.5% until 90% of average monthly earnings then reduced to 3%; if hired after 6/3/14 then 6.5% with a max of 75% of average monthly earnings	Tier One: includes all police officers hired before 11/13/12; Tier Two: includes all police officers hired after 11/13/12.
LL	Orlando	F		20 years regardless of age; or age 47 + 10 years	YES	YES	YES	LOD: 80% of avg. mo. earnings (AME). NLOD: Less than 10 Yrs. cr. svc. 3% of AME; 10-20 Yrs. cr. svc. 4% of AME, max of 60%; 20+ Yrs. 60% of avg. mo. salary plus 4% for each yr. Over 20.	60% of AME + 4% of average monthly salary for each yr. in excess of 20. Includes a Share Plan.	Y		Y	Y	Base Pay includes emergency technician & paramedic, longevity & incentive pay <u>excludes</u> over-time, educational advancement, lump-sum vacation/sick leave pay.	10	7.78 %	Share Plan includes all accumulated increases since 1999 and any future increases over the frozen amount. Payable to regular and disability retirees and LOD death participants.
LL	Orlando	P		20 years regardless of age; or age 47 + 10 years	YES	YES	YES	LOD: 80% of avg. mo. earnings (AME). NLOD: Less than 10 yrs. cr. svc. 3% of AME; 10-15 yrs. cr. svc. 4% of AME; 16-20 yrs. 60% of avg. mo. salary; 20+ Yrs. 60% of avg. mo. salary plus 4% for each yr. Over 20. Workers' Comp. offset after 7-1-95	70% of AME, <u>plus</u> 2% of average monthly salary for each yr. in excess of 20, with a maximum of 80%.			Y	Y	Base Pay, shift differential, longevity, incentive and career development pay, but excludes overtime pay, educational advancement and firearm's qualification pay and any other form of pay not specifically included.	10	8.47 %	BACKDROP up to 3 yrs. but not prior to date of eligibility for svc. pension.
LL	Ormond Beach	F		Age 55 + 10 years; or Age 60 regardless of years of service; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc.	3.21%			Y		Total compensation for services rendered to the city as a firefighter reportable on the member's W-2 Form, plus all tax deferred, sheltered and exempt items of income.	10	8.40 %	Benefit accrual fluctuates between 3.13 % and 3.37% based on receipt of at least \$364,512 each year. Rate for service prior to 1/1/10 is 3.37%, for service between 1/1/10 and 1/1/12 is 3.31%, and for service after 1/1/12 is 3.21%.
LL	Ormond Beach	P		Age 55 + 10 years; or Age 60 regardless of years of service; or 20 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc.	Tier One: 3.3% Tier Two: on or after 8/21/12 - 2.75%				Y	Total W-2 Compensation for services rendered to the city as a police officer, excluding overtime in exess of 300 hours, and excluding payments for accrued unused personal leave time.	10	9.00 %	DROP: lowers interest rate from 6.5% to 2% for those active employees as of 8/21/12 not in DROP, and suspends the DROP for all those hired on or after 8/21/12.
Chapter	Oviedo	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	3.00%					Chapter	10	7.00 %	
LL	Oviedo	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. (80% if intentional violence) NLOD: must have 10 yrs. cr. svc.	3.00%					Total compensation for services rendered reportable on member's W-2 form, plus all tax sheltered or exempt items of income.	10	6.00 %	Member contribution is to be reduced to 5% effective 9/27/2010.
LL	Palatka	F		Age 50 + 7 years; or Age 55 + 10; or 25 years regardless of age	YES	YES	YES	LOD: accrued benefit, but not less than 45% of avg. salary paid during the last 5 yrs. NLOD: must have 10 yrs. cr. svc., accrued benefit , but not less than 25% of AFC.	3.30%			Y		Fixed monthly remuneration paid for services as a firefighter. Remuneration shall include overtime, longevity, shift differentials, paid vacation & sick leave & deferred comp programs recognized y the Board of Trustees	7	6.00 %	
LL	Palatka	P		Age 50 + 7 years; or Age 55 + 10 years; or Age 52 + 25 years; or 30 years regardless of age	YES		YES	LOD: accrued benefit, but not less than 45% of avg. salary paid during the last 5 yrs. NLOD: must have 10 yrs. cr. svc., accrued benefit , but not less than 25% of AFC.	3.15%			Y		Fixed monthly remuneration paid for services as a police officer. Remuneration shall include overtime, longevity, shift differentials, paid vacation & sick leave & deferred comp programs recognized y the Board of Trustees	7	6.00 %	

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS	
LL	Palm Bay	P & F		POLICE: Age 55 with 10 years of service; or Age 52 + 25 years; or 25 years regardless of age EARLY: Age 50 + 10 years FIRE: Age 52 + 25 years; or Age 55 regardless of years of service; or 25 years regardless of age	YES		YES	LOD: accrued, but not less than 75% of AFC. NLOD: must have 10 yrs. cr. svc., accrued, but not less than 25% of AFC.	POLICE: 2% for svc before 6-1-92; 2.5% for svc on or after 6-1-92; however, if completed 20 years of svc, benefit is 3%. If > 20 years of svc, benefit is 5%. Includes suppl benefit of \$25 / month / yr of svc payable until 65. FIRE: TIER ONE: Hired prior to 3/12/12: 2.% for svc before 10-1-91; 2.5% for svc on and after 10-1-91 (3% with 20 Yrs svc; 5% if more than 20 Yrs Svc) In addition, each FF shall receive a suppl monthly retirement benefit of \$458, plus \$25 per month x yrs. of svc. until age 65. TIER TWO: For those hired after 3/15/12 - with less than 20 years of service, benefit accrual rate is 2.5%, for those retiring with 30 or more years of service the benefit accrual rate is 3.2%. In addition, each FF shall receive \$12 per month per year of service payable until age 65.				Y	Y	FIRE: Base Pay, including holiday pay, but <u>excluding</u> bonuses, overtime & other nonregular compensation. POLICE: compensation shall meant total cash remuneration paid by the City for services rendered, including 35 hours of overtime, but excluding any payments for extra duty or special detail work performed on behalf of a second party employer.	Graduated 5 - 10	P: 8.76 % F: 8.76 %	DROP covers police. COLA covers police & fire - for firefighters hired after 3/15/12 the COLA adjustment shall be 2% per year and will begin 6 years after retirement.
LL	Palm Beach Gardens	P & F		Police: Age 52 and 10 years of service credit or 20 years of service credit regardless of age. Fire: Age 52 and 10 years of service credit or 25 years of service credit regardless of age.	YES			LOD: 60% of AFC but no less than 2% /afc tunes credited service. NLOD: must have 10 yrs. cr. svc., accrued, but not less than 2.5% of AFC times credited service.	Police: 3.5% plus supplement of \$12.50 per each year of service Fire: 3% plus Share Plan	F			Total W-2 Compensation	Graduated 5 - 10	Police: 8.6% Fire: 6%			
LL	Palm Coast (All Volunteers)	F		Age 62 + 5 years service, or 55 + 10 or 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: after 5 years, accrued benefit, but not less than 25%.	2%, but no less than \$65 per year of service.					Chapter	10	5.00 %	Currently, the Fire Department is made up of unpaid volunteers.	
LL	Palm Harbor Special Fire Control District	F		Age 55 + 6 years; or 25 years regardless of age EARLY: Age 45 + 6 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. (65% if member is unable to perform another type of work) NLOD: 8 yrs. cr. svc.	Variable rate based on employee contribution: 3% for 1% employee contribution; 3.5% for 4.3% employee contribution; and 4% for 7.6% employee contribution Plus, supplemental benefit of \$5 per month for each yr. of cr. svc., with a minimum mo. benefit of \$30 & maximum of \$150.	Y		Y	Y	Total compensation for services rendered to the District as a firefighter, reportable on Member's W-2 Form, plus all tax deferred, tax sheltered or tax exempt items of income otherwise includible in basic compensation, but excluding any lump sum amounts paid to the Member for any unused sick leave, for service on or after 3/29/12, salary excludes overtime in excess of 300 hours, and excluds payments for accrued unused vacation payments.	6	Variable based on benefit accural - 1% EC for 3% accrual; 4.3% EC for 3.5% accrual; 7.6% EC for 4% accrual.	COLA:3% annually. Supplemental benefit is provided using a portion of the state moneys - \$5 per year of credited service, with minimum of \$30, but not more than \$150 per month.	
LL	Palmetto	P		Age 55 + 10 years; or 23 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 62% of AFC. NLOD: after 5 yrs. cr. svc., actuarially reduced benefit not less than 20% of avg. monthly earnings, after 10 years, actuarially reduced benefit not less than 25%.	3.00%			Y	Y	Total compensation for services rendered as a police officer reportable on the member's W-2 form, including up to 300 hours of overtime, bonuses, plus all tax deferred, sheltered or exempt items of income. For service earned after 7/1/11, payment for accrued sick and annual leave are excluded.	10	5.00 %	COLA: as of 10/1/05 all retirees shall receive an ad hoc payment of 2% for each year of retirement for a max. of 10%.	
LL	Panama City	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 1 yr. svc. ,accrued benefit, but not less than 25% of AFC	2.9%, <u>plus</u> \$575 per month supplemental until age 65 or death. No supplemental for early retirement.				Y	Y	Total compensation for services rendered to the city as a firefighter reportable on the member's W-2 Form, plus all tax deferred, sheltered and exempt items of income.	10	7.50 %	

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LL	Panama City	P		Age 50 + 15 years; or Age 55 + 10 years; or 23 years regardless of age EARLY: Age 40 + 15 years; or Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: accrued benefit, but not less than 25% of AFC	2% per year for each year between 10 years of credited service & 15 years of credited service, with increased % applicable for each year in excess of 15 years. For 23 years equal to 2.8%. Supplemental benefit of \$450 per month.				Y	Y	Total cash remuneration for services rendered reportable on W-2 form plus all tax deferred, sheltered or tax exempt items of income derived from elective employee payroll deductions or salary reductions, but excluding clothing allowance, sick leave bonus pay and other bonus pay, and for service earned after July 1, 2011, salary shall not include more than 300 hours of overtime and shall not include any payments for sick & vacation leave earned after 7/1/11.	10	5.58 %	Effective 1/10/12, the benefit accrual is capped at 80% for 28.5 year or more of service, with no less than 2% for all years of service.
LL	Panama City Beach	P & F		Age 50 + 20 years; or Age 55 + 10 years; or 25 years regardless of age (for Firefighters that make an optional 11.5% employee contribution) EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. svc., benefit equal to accrued benefit as of date of disability.	POLICE: 3.50% 3.35%, plus \$350 per month supplemental benefit for retirees who retire on or after their normal or early retirement date, with an early or normal retirement benefit or disability. FIRE:				Y	Y	Total compensation for services rendered to the city reportable on the member's W-2 Form, plus all tax deferred, sheltered and exempt items of income.	10	Police: 11.0 % Fire: 8.10 % (optional 11.50 % for 25 and out benefit.	
LL	Parkland Closed Plan- transferred to BSO effective 3/1/04	P		Age 55 + 10 years; or Age 52 + 25 years; or 20 years of service regardless of age. EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC	3%	Y			Y	Total cash remuneration for services rendered and including up to 300 hours of overtime.	10	5.00 %	Closed to new members; law enforcement services transferred to Broward Co. on 3/1/04, four members elected to remain in 185 plan. COLA - 2% increase payable after one year from date of retirement. ERIP - allowed one remaining member to retire early with no penalty based on service as of 6/15/11. SHARE PLAN - With the exception of annual base amount of \$69,006, all state moneys will go into share accounts for active and retired members...all members now retired.	
LL	Pembroke Pines	P & F		Age 50 + 10 years; or 20 years continuous regardless of age	YES	YES	YES	LOD: greater of 66 2/3% of monthly earnings on date of disability or accrued retirement benefit. NLOD: greater of 35% of AME on date of disability or accrued retirement benefit.	FIRE: 4.00%, subject to maximum of 80% of average monthly earnings POLICE: 3% for first 20 years of service and 4% for years in excess of 20. but for police officers that enter DROP upon, but not after normal retirement age, shall receive a benefit equal to 4%, subject to maximum of 80% of average monthly earnings (also, 13th Check)				Y	Y	Basic Wages <u>includes</u> longevity and over-time. Includes up to 1,000 hrs. of accrued unused leave.	10 or Age 45 if participant on 2-19-81	10.40 %	**Police retirees may be eligible for 13th check. COLA = Fire: 3% each April 1st following retirement, Police: 1.5% each October 1 following retirement.
LL	Pensacola	F		Age 52 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued retirement with a benefit reduction of 1% for each of first 18 yrs., 2% for next year, and 4% for each of next 5 yrs. by which svc. at date of disability is less than 25 yrs., but not less than 42% of AFC. NLOD: accrued retirement benefit at date of disability, with a benefit reduction of 2% for each of first 18 yrs., 4% for next yr., & 6% for each of next 5 yrs. by which svc. at date of dis. is less than 25 yrs., but not less than 25%.	75% of 1st \$2400 + 70% of next \$1200 + 65% of any additional amounts.				Y	Y	Total Earnings	10	11.00 %	
LL	Pensacola (Closed 1/1/13 - Opted-out - effective 4/1/13 new hires enrolled in FRS)	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%.	3.00%				Y	Y	Total cash remuneration paid for services rendered. Excludes: educational incentive pay, court pay, auto & expense allowances, pay for unused annual and sick leave.	10	0.50 %	Chapter 185 plan closed as of 1/1/13, City opted out per s. 185.60. Effective 4/1/13 joined FRS for police group. Received state money in 2013, no further state moneys payable. Substituted plan provides reduced benefits with higher employee contributions for service earned after 1/1/13.
LL	Perry	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit but not less than 42%.	3.00%				Y	Total cash remuneration paid for services rendered as a firefighter. Plus all tax deferred, sheltered or exempt items of income. Salary shall include all overtime and holiday pay for service prior to 7/1/11. Beginning 7/1/11, salary shall include only overtiem up to 300 hours, but shall continue to include holiday pay.	10	1.00 %		

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LL	Perry	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit but not less than 42%. NLOD: must have 10 yrs. cr. svc., not less than 25%.	3.25%					Total compensation for services rendered as a police officer reportable on W-2 form, plus all tax deferred, sheltered or exempt items of income. For service earned after 7/1/11, salary shall not include more than 300 hours of overtime, and shall not include any payments for accrued sick and annual leave.	10	2.00 % (city pickup)	DROP shall not exceed 60 months.
LL	Pinellas Park	P		Age 55 + 10 years; or 25 years regardless of age EARLY: 10 years regardless of age	YES	YES	YES	LOD: accrued benefit but not less than 42%. NLOD: not less than 25%	2.00% for service prior to 10/30/93; 2.50% for service after 10/30/93, 3% on or after 10/1/02 or 3.25% on or after 10/1/03, and 3.25% for creditable service on or after October 1, 2003. For members hired after 10/1/09 - benefit	Y			Y	Total Compensation paid for services rendered, including up to 300 hours of over-time pay, but excluding any payment made for a second party employer.	10	8% (city pick-up)	DROP includes a choice of 6% interest or actual plan earnings. TIER TWO - for those hired on or after 10/1/09 - benefits are same, except accrual rate is 3%. Share Plan - includes initial distribution of all accumulated increases as of 10/1/09 to all police officers who were active on 10/1/09; subsequent yearly allocation of the excess state moneys to all active police officers.
LL	Pinellas Park	F		Age 55 + 10 years; or 25 years regardless of age EARLY: 10 years regardless of age	YES	YES	YES	LOD: accrued benefit but not less than 42%. NLOD: must have 5 yrs. cr. svc., not less than 25%.	2.00% for service prior to 10/30/93; 2.50% for service after 10/01/78, 3% on or after 10/1/02 or 3.25% on or after 10/1/03, and 3.25% for creditable service on or after October 1, 2003. For members hired after 10/1/09 - benefit accrual rate is 3% for all years.	Y			Y	Total Compensation paid for services rendered exclusive of bonuses. For members hired after 10/1/09 salary is base compensation.	10	9.00 % (city pick-up)	DROP includes a choice of 6% interest or actual plan earnings. Remain in DROP for 2 years or until attaining 35 years of DROP and creditable service. SHARE PLAN - places all accumulated and future increases into a share plan for firefighters. Vested in shares after 10 years. TWO TIER PLAN: All benefits the same except for those hired after 10/1/09 benefit accrual is reduced from 3.25% to 3% and compensation is base salary as opposed to total compensation. COLA: 2% after 5 years after benefit commencement or age 65.
LL	Plant City	P & F		Age 55 + 10 years; or Age 60 regardless of years of service; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued retirement benefit but not less than 42%. NLOD: must have 10 yrs. cr. svc.	3.75%				Y	Total compensation for services rendered as a police officer or firefighter reportable on the member's W-2 form, including overtime, bonuses, accrued vacation or sick time plus all tax deferred, sheltered or exempt items of income.	10	10.00 %	
LL	Plantation	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 45 + 15 years; or Age 50 + 10 years	YES	YES	YES	LOD: 70%of compensation at time of disability with SS offset; NLOD: must have 5 Yrs.cr. svc.	Tier One: 3.50% for members retiring with 20 or more years with 80% cap for the first 24 years ans 225 days, thereafter 0% up through the 40th year, and 2% for years over 40. Plus \$200 per month supplement payable for the lifetime of the retiree. (\$300 after age 55). Tier Two: For all employees hired on or after 1/1/2010 - benefits of 3%, with regular supple. of \$10 per yr of svc, but not the monthly supplement of \$200.				Y	Total cash remuneration including base pay, longevity pay, assignment pay, shift differential pay, pay for annual leave accumulation, educational incentive pay & up to 300 hrs. of overtime pay.	10	Tier One: 9.5% Tier Two: 8%	"Lump Sum or Other Option" Ord. 2265 allows retirement option of 25% or 50% partial lump sum distribution of the actual value of their retirement benefits. If they choose this option, monthly benefits will be reduced accordingly. Tier One: COLA: effective for all retiring after 10/1/08-proides a 1.5% increasee beginning 5 years after retirement payable for 20 years. Tier Two: applies to all employees hired after 1/1/2010 - all benefits are the same except that the benefit accrual rate is 3%; AFC is best 5; member contribution is 8%; maximum DROP not to exceed 5 years; COLA & \$200 Supplement do not apply.
LL	Plantation (All Volunteer)	F		Age 55 + 7 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit or \$100 per month; whichever is greater.	2% of AFC multiplied by Years of Credited Service or \$50 per month for each yr. of Credited Service, whichever is greater.					Unpaid	Graduated 7-10	1.00 %	Vesting is graduated with 10 years for 100%, 9 years is 75%, 8 years is 50%, and 7 yearsis 25% vested.
LL	Pompano Beach (Police is CLOSED-transferred to County in 1999)	P & F		Age 47 + 20 years continuous Fire: Age 55 + 10 years continuous EARLY: Age 50 + 10 years continuous; or 20 years continuous regardless of age	YES		YES	LOD: 75%of AME at time of disability, but not less than his accrued benefit. NLOD: must have 10 yrs. cr. svc., accrued benefit.	FIRE: 3% for first 10 years, 4% for next 10 years and 2% for next 5 years, with max. of 80%, but not less than 2% for all years of service. POLICE: 3% with max. of 75%, with 2% for years in excess of 37.5.	Y			Y	FIRE: Basic wages and regular longevity pay. POLICE: Basic wages and regular longevity pay, and including up to 25 hours of overtime.	10	11.6 % Fire (city pick-up)	Police is closed plan. STOP/RESTART - 3/12 reinstates all benefits and establishes a SHARE PLAN for Firefighers with any increases in state moneys in excess of \$821,230.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Port Orange	F		Age 55 + 10 years; or 25 years of service and age 52 EARLY: Age 50 + 10 years or obtain age 40 with 10 years as of 9/25/12.	YES	YES	YES	LOD: accrued benefit but not less than 42%. NLOD: benefit computed as for normal retirement	2.7% For members retiring prior to 10-1-99; or 2.8% for members retiring between 10-1-99 & 9-30-00; or 2.9% for members retiring between 10-1-00 & 9-30-01 or 3% for members retiring on or after 10-1-01. <u>Plus</u> supplemental benefit, \$20 per month for each yr. of svc. with maximum of \$500, maximum benefit of 80%.			Y	Y	Members fixed compensation for services rendered to the city as a firefighter, plus all tax deferred and tax-exempt items, including education pay and specialty pay, but excludes overtime, education pay, incentive pay, lump sum annual leave, sick & compensation leave leave.	10	7.5% for those hired before 12/4/12; 8% for those hired on or after 12/4/12	COLA: available only for those with 25 years of service, begins after 8 years of retirement, 3% per year or no greater than granted under SS, applied only when actuarial assumption met or exceeded and plan is at least 80% funded. DROP: 60 Months. interest as earned/loss by plan.
LL	Port Orange	P		Age 48 + 10 years; or age 45 with 25 years of service. EARLY: Age 45 + 10 years	YES	NO	YES	LOD: minimum of 50% of current AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit.	3%, plus \$200 per month if 10 Years of credited service; <u>plus</u> additional \$20 per month for each year in excess of 10 Years, up to a maximum of \$400.			Y	Y	Chapter	10	7.50 %	DROP - must have 25 years of service in order to be eligible for DROP COLA - defers COLA to age 59or 5 years after retirement, 3% up to maximum of retirement of \$95K.
LL	Port St. Lucie	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit but not less than 42%. NLOD: must have 10 yrs. cr. svc., not less than 25%.	3.09%			Y		Total Cash Compensation	5	9.00 %	City makes a minimum 10.5% contribution which , at the member's choice, may be refunded along with the member's contribution at termination in lieu of any further benefits. DROP - participation is up to 60 months. The member may choose between interest earnings of 6.5% or the fund's investment earnings.
LL	Punta Gorda	F		Age 55 regardless of years of service; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: 3.5% x years of service, but not less than 60% of AFC. NLOD: must have 10 yrs. cr. svc., same, but not less than 25% of AFC	3.5%; After 10/1/12 3%	Y		Y		Total Compensation for services rendered to the city as a firefighter reportable on the member's W-2 form, plus all tax deferred, exempt or sheltered items of income.	5	8.00 %	
LL	Punta Gorda	P		Prior to 12/18/13 - age 45 + 20 years; or Age 55 regardless of years of service After 12/18/13 - age 55 yrs + 10 yrs of serv or 25 yrs of serv. EARLY: Age 45 + 10 years	YES	NO	YES	LOD: Hired before 12/18/13 - 3.5% x years of service, but not less than 60% of AFC. Hired after 12/18/13 - 3% x yrs of serv NLOD: must have 10 yrs. cr. svc., same, but not less than 25% of AFC	Hired before 12/18/13 - 3.5% Hired after 12/18/13 - 3%			Y		Total Compensation for services rendered to the city as a police officer reportable on the member's W-2 form, plus all tax deferred, exempt or sheltered items of income.	5	8.00 %	
LL	Quincy	P & F		Age 55 & 10 years; or 25 years regardless of age EARLY: Age 50 & 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC, must have 10 yrs. svc. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%, must have 10 yrs. svc.	2% up through 4/9/07; 2.5% thereafter					Total Cash Compensation for services rendered.	Graduated 3 - 10	7.50 %	City makes a minimum 12% contribution (replaces the old DC plan contribution).
LL	Quincy	P & F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC. NLOD: must have 10 yrs. cr. Svc., accrued benefit, but not less than 25%.	2% for svc. Through 4/10/07; 2.5% thereafter.					Total cash compensation paid to the participant for services rendered.	10	7.50 %	
LL	Riviera Beach	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 60% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 48%.	3.00%			Y		Total Compensation	10	8.00 %	DROP - maximum of 60 months. Share Plan created Ord #4013 for premium tax \$ over \$86,456
LL	Riviera Beach	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 50% of AFC. NLOD: must have 10 yrs. cr. scv., accrued benefit, but not less than 40%.	3%, plust Share Plan	Y				Total cash remuneration paid to a police officer for services rendered.	10	8.00 %	Share plan is funded with increases in state premium tax moneys in excess of the amount received in 2000 to be distributed equally between retirees and actives.
LL	Rockledge	P		Age 52 + 10 years EARLY: Age 44 + 25 years; or Age 50 + 10 years	YES		YES	LOD: 10 yrs. certain & life = 50% of basic comp., single-sum value not to exceed 100 x's mo. ret. at normal ret. date. NLOD: (less than 10 yrs.) mo. income greater of accrued ret. Or 2x's basic comp. 60% of normal ret. (10 or more yrs.) mo. income for 10 yrs. certain & life. greater of single sum-value of accrued ret. or 30% of basic comp. single-sum value not to exceed 100 x's mo. ret. at normal ret. date.	3.00% for 1st 25 Years plus 1.5% for next 10, between 25 Years Credited Service 35 Years.			Y		Actual Compensation, including up to 300 hrs. of overtime, but <u>excluding</u> sick & annual leave, bonuses, expense allowances & other extraordinary compensation.	10	7.00 %	DROP: maximum of 60 months. Employee has option of interest earnings based on the Fund's investment return or a one-time option to self-direct.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Rockledge	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 45 + 25 years; or Age 50 + 10 years	YES		YES	LOD: 10 yrs. certain & life = 50% of basic comp., single-sum value not to exceed 100 x's mo. ret. at normal ret. date. NLOD: (less than 10 yrs.) mo. income greater of accrued ret. Or 2x's basic comp. 60% of normal ret. (10 or more yrs.) mo. income for 10 yrs. certain & life, greater of single sum-value of accrued ret. or 30% of basic comp. single-sum value not to exceed 100 x's mo. ret. at normal ret. date.	3.00% for up to 25 Years of Credited Service plus 1.5% between 25 Years Credited Service 30 or 2% for all Credited Service.				Y	Actual Compensation <u>excluding</u> over-time, sick & annual leave, bonuses, expense allowances & other extraordinary compensation.	10	7.00 % (city pick-up)	DROP: maximum of 60 months. Employee has option of interest earnings based on the Fund's investment return or a one-time option to self-direct.
LL	Royal Palm Beach (Closed 9/1/06)	P		Age 55 + 5 years; or 16 years of service EARLY: Age 50 + 5 years	YES		YES	LOD: accrued benefit but not less than 42%. NLOD: not less than 25%, benefits provided after 10 yrs. svc.	2.50%, plus 13th check based on actuarial gain. Actives & retirees participate in share plan using state moneys in excess of \$853,083.	Y				Total W-2, plus tax-deferred and tax-exempt income.	5	5.00 %	Plan was closed effective 9/1/06 as law enforcement services were transferred to Palm Bch. Co. Six officers remained under plan. All state moneys in excess of \$853,083 are to be deposited into the share account of all active and retirees of the plan.
LL	Safety Harbor	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit but not less than 42%. NLOD: not less than 25%, benefits provided after 10 yrs. svc.	3.00%		Y	Y	Y	Chapter	10	1.00 %	COLA: 2% each year for retired participants
LL	San Carlos Park Fire Service District	F		Age 55 + 6 years; or 25 years regardless of age EARLY: 6 years regardless of age	YES	YES	YES	LOD: accrued benefit, but not less than 65% of salary NLOD: must have 10 yrs. svc., accrued benefit or not less than 25%.	3.00%			Y	Y	Fixed Monthly Compensation	6	0.50 %	COLA: 3% each year.
LL	Sanford	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	NO	LOD: 50% of base pay at disability; (malicious or intentional act) 80% of AFC. NLOD: benefits provided after 5 yrs. svc.	3.50%			Y		Base Pay	10	5.10 %	
LL	Sanford	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit but not less than 60%. NLOD: benefit accrued to date, benefits provided after 5 yrs. svc.	3.08%			Y		Base Pay, includes educational incentive, engineer incentive, paramedic incentive, specialty pay, as well as all tax deferred, tax sheltered or tax exempt items of income.	10	7% .	
LL	Sanibel	P		Age 60 + 5 vesting credits; or Age 55 + 10 vesting credits; or 25 vesting credits regardless of age EARLY: Age 50 + 5 years	YES	YES	YES	LOD: 3% of AFC times cr. svc., but not less than 42%. NLOD: not less than 25%, benefits provided after 10 yrs. svc.	3%, <u>plus</u> supplemental benefit, \$36 times Cr. svc. paid monthly to age 67. Minimum payment period is 5 yrs.			Y	Y	Total Compensation, excluding overtime in excess of 300 hrs and payments for sick and vacation leave earned after 9/30/11.	5	8.00 % (4.00 % after normal retirement age)	*Supplemental Benefit of number of years service times \$36.00 dollars if member contributes additional 3% of salary. COLA - 3% beginning after 12 months of retirement. DROP participation is for 60 months and provides a 4% interest earnings quarterly.
LL	Sarasota	P		Age 50 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 75% of avg. comp., not less than amt. of accrued normal retirement pension, payable under standard form of payment. NLOD: 2.5% of avg. comp. multiplied by cr. svc., payable under the standard form of payment.	3.00%			Y	Y	Total Compensation for services rendered to the city as a police officer reportable on the member's W-2 form, plus all tax deferred, exempt or sheltered items of income; excludes clothing/equipment allowances, deferred comp. and lump sum payments for unused vacation/sick leave, and excludes overtime in excess of 300 hours per year.	10	8.00 %	Prospective reduction in benefits for service earned after 10/1/12 and for those entering DROP or retiring after 10/1/12. COLA - reduced from 3.2% to 1% per year. AFC - lowered from 3 to 5 years. Normal Form - lowered from 67% J&S to 10 yr. Certain. DROP - interest reduced from 6.5% to 2%.
LL	Sarasota CLOSED	F		Age 50 + 10 years; or 25 years regardless of age	YES	YES	YES	LOD: 75% of avg. comp., not less than amt. of accrued normal retirement pension, payable under standard form of payment. NLOD: 2.5% of avg. comp. multiplied by cr. svc., payable under the standard form of payment.	3%, <u>plus</u> Share Account for certain retirees	Y			Y	Total Compensation and lump sum payments for unused vacation/sick leave and up to 500 hours of overtime included.	10	8.00 %	COLA based on available funds determined by actuarial gain for prior fiscal year.
LL	Satellite Beach	P & F		Age 52 + 5 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued retirement benefit but not less than 42%. NLOD: not less than 25%, benefits provided after 10 yrs. svc.	3.00%			Y		Basic Pay <u>includes</u> over-time, commissions & bonus, and accrued sick/vacation pay.	5	8.00 %	
LL	Sebastian	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	TIER ONE: 3% for each year of service TIER TWO: Effective for those hired after April 11, 2012 - 2% for each year service					Chapter	10	8.00 %	Effective 4/11/12 - became LL Plan and established a second tier for those hired after the effective date lowering the benefit accrual rate. All other benefits remain the same for Tier One and Tier Two.
LL	Sebring	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: 60% of AFC. NLOD: 3% of AFC for each yr. of svc., not less than 25% and not to exceed 50%, plus 7.5% of AFC for each child, provided the total of spouse & children's benefit does not exceed 50% of AFC.	3.00%	Y		Y	Y	Total compensation for services rendered to the city as a firefighter reportable on member's W-2 form and all tax deferred, sheltered and exempt items of income.	10	6.50 %	DROP participation is 60 months. Share Plan: includes increases over and above the 2007 base amount.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Sebring	P		Age 52 + 10 years (5 years before 10-1-98); or 20 years regardless of age. EARLY: Age 45 + 10 (5 years before 10-1-98)	YES	YES	YES	LOD: accrued benefit but no less than 42%. NLOD: 3% of salary for each year of svc.(max. of 50%), with a minimum of 25% of AFC, only members with at least 5 yrs. (10 yrs. of service after 10/1/98)	3% , <u>plus</u> supplement of \$10 per month per year of service. (13th Check)			Y	Y	Total compensation for services rendered to the city as a police officer reportable on member's W-2 form and all tax deferred, sheltered and exempt items of income.	5	5.00 %	DROP participation is for 7 years. Plan includes a 13th check made up of increases in state moneys in excess of frozen amount of \$111,869.
LL	Seminole	F		Age 55 + 10 years; or 25 years regardless of age; or Age 62 regardless of years of service EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 42% plus 3% per yr. of cr. svc. of final two yrs. avg. comp., max. benefit is 75% of final 2 yrs. comp. NLOD: 3% per yr. of cr. svc. of final 2 yrs. avg. comp., minimum benefit of 2% per yr. svc. of final avg. earnings or if higher 25% of final avg. salary, must have 10 yrs. svc.	3.00%					Total compensation for services rendered as a firefighter reportable on the member's W-2 form plus all tax deferred, sheltered or exempt items of income, but excluding lump sum payments of accrued sick and vacation leave, and excluding overtime for service earned after 7/1/11 in excess of 300 hours.	10	8.00 %	
LL	Shalimar	P		Age 50 + 6 years; or age 48 with 20 years of service. EARLY: 10 years regardless of age	YES		YES	LOD: accrued benefit but not less than 42%. NLOD: not less than 25%, benefits provided after 10 yrs. svc.	3.00%			Y		Chapter	6	1.00 %	DROP participation is 60 months and includes a 6.5% interest earnings on the account.
LL	South Miami	P (Share)		Age 60 + 10 years; or 25 years regardless of age EARLY: Age 50 + 15 years	NO	YES	NO	LOD: accrued retirement based on FMC, but reduced for early retirement.	Graduated 2.00% for Credited Service Through 9-30-95 to 3.00% for Credited Service After 10-1-03. Also has Share Plan.	Y			Y	Regular wages & salaries , <u>excludes</u> over-time and other additional compensation.	10	7.50 %	
LL	South Pasadena	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: 2 3/4% of AFC x total yrs. cr. svc. prior to 10/1/03 & 3% of AFC for each yr. of cr. svc. after 10/1/03, not less than 42 % of AFC. NLOD: 2 3/4% of AFC x total yrs. cr. svc. prior to 10/1/03 & 3% of AFC for each yr. of cr. svc. after 10/1/03, must have 10 yrs. cr. svc.	3.00%			Y		Chapter	10	6.00 %	
LL	South Walton Fire Control District	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit but not less than 42%. NLOD: must have 10 yrs. cr. svc.	4% for those hired prior to 9/30/11, 3% for those hired on or after 10/1/11.			Y		Base Compensation for services rendered	10	3.50 %	Employee contribution is 7% for those hired prior to 9/10/11. Employee contribution is 3.5% for those hired on or after 10/1/11.
LL	Southern Manatee Fire Control District	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued retirement benefit but not less than 42%. NLOD: not less than 25%, must have 10 yrs. of cr. svc.	3.50%			Y		Fixed compensation reportable on form W-2, plus tax deferred, tax sheltered, and tax exempt items. Fixed compensation excludes OT, bonuses & lump sum payments of accrued annual leave & sick leave.	10	3.50 %	DROP: participation is 96 months. Line of duty death (no service requirement) is his accrued retirement benefit, but no less than 50% of his monthly salary at death.
LL	St. Augustine	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit but no less than 42%. Benefit paid in the form of a 10 yr. certain & life annuity (optional forms available).	3.00%			Y	Y	Fixed Monthly Compensation for services rendered to the city as a firefighter plus all tax deferred, exempt or sheltered items of income derived from elective employee payroll deductions or salary reductions otherwise includible as fixed compensation.	10	5.00 %	COLA: 3% DROP participation is 60 months, with a guarantee of 6.5% investment earnings.
LL	St. Augustine	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued retirement benefit but not less than 42%. NLOD: not less than 25%	3.00%			Y	Y	Total Cash remuneration including base salary, over-time, special incentive pay, sick/vacation pay. Excludes lump sum checks for accrued leave not taken.	10	5.50 %	
LL	St. Cloud	P & F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: unreduced accrued benefit but no less than 42%. NLOD: unreduced accrued benefit.	3.75%			Y	Y	Total Compensation, excluding overtime in excess of 300 hrs. and payments for accrued unused sick and vacation leave earned after 7/1/2011.	10	5.10 %	Effective retroactively to 10-1-97 monthly benefits increased by 2% for each full year of the Retiree's retirement as of 10-1-97, up to a maximum of 10%.
LL	St. Lucie County Fire District	F		Age 55 + 5 years; or 25 years regardless of age EARLY: Age 50 with 5 years of service	YES	YES	YES	LOD: accrued retirement, but not less than 75% of members AFC. NLOD: 5 yrs. cr. svc., accrued retirement benefit, but not less than 25%	3% , <u>plus</u> a supplemental benefit based on the age at the pension commencement date.			Y		Base pay, incentive pay, longevity and shift pay, overtime pay, and payment for unused vacation & sick pay.	5	0.50 %	Ad-hoc COLA not to exceed 3%

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	St. Pete Beach	P		~~Hard freeze of benefits accrued as of 1/31/13.~~ Prior to 2/1/13: Age 55 regardless of years of service; or 25 years regardless of age. EARLY: Age 50 + 10 years; or 20 years regardless of age. Effective 2/1/13: Normal retirement: Age 60 + 10 years of service; or 30 years of service regardless of age. ~~Early retirement date: None vested~~	YES	YES	YES	LOD: accrued retirement benefit but no less than 50%. NLOD: must have 10 yrs. cr. svc.	Service earned prior to 2/1/13: 3.2% of AFC for service to 10/1/81, plus 4% of AFC for service after 10/1/81. Effective 2/1/13: 1.25%					For service prior to 2/1/13: Total Cash Compensation for services rendered as a police officer reported on member's W-2 form, plus all tax sheltered or exempt items of income. For service earned after 2/1/13: Base pay	10	3.00 %	For service earned prior to 2/1/13: COLA - 3% effective after 7 years of retirement. For service earned after 2/1/13: No COLA For service earned prior to 2/1/13: DROP: For service earned after 2/1/13 - NO DROP Share Plan: effective 2/1/13 all active members will receive a share
LL	St. Pete Beach	F		Age 55 regardless of years of service; or 25 years regardless of age EARLY: Age 50 + 10 years; or 20 years regardless of age.	YES	YES	YES	LOD: accrued retirement benefit but no less than 42%. NLOD: must have 10 yrs. cr. svc.	3.4%			Y	Y	Total compensation for services rendered to the city as a firefighter reportable on the member's W-2 Form, plus all tax deferred, sheltered and exempt items of income.	Graduated 1-10, full vesting with 10 years service.	10.30 %	COLA: 3% per year, effective after 7 years of retirement. DROP: up to 5 years, member's option for 7.5% interest, or actual net rate of return.
LL	St. Petersburg (Prior Plan)	P & F		20 years regardless of age	NO	YES	YES	POLICE - LOD: 60% of highest pay step of rank held at time of disability. NLOD: 2.5% of prevailing wage for rank held for each yr. of svc., plus 7.5% for each child under age 18; total not to exceed 50%. FIRE - LOD: 60% of highest pay step of rank held at time of disability. NLOD: 2.5% of prevailing wage for rank held for each yr. of svc., plus 7.5% for each child under age 18; total not to exceed 50%.	50% of highest pay step of the lowest rank held during the 3 previous Years + 2% for each yr. in excess of 20, with a maximum amount of 60%.			Y		Not Available	12	4.00 %	
LL	St. Petersburg (Supplemental)	P		Age 55 regardless of years of service; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 60% of earning base, reduced by workers comp. NLOD: greater of accrued benefit or 25% of earnings base, plus 7.5% of earning base for each child under 18.	For service on or after January 1, 2004 - 3%			Y	Y	Base pay plus educational incentive, shift differential and acting supervisor pay if any.	Graduated 7 - 10	7.00 %	DROP participation is 60 months.
LL	St. Petersburg (Supplemental)	F		Age 50 + 10 years; or Age 53 regardless of years of service; or 30 years regardless of age EARLY: 25 years regardless of age	YES		YES	LOD: 60% of earning base or the accrued pension, whichever is greater. NLOD: accrued benefit, but not less than 25% of AME, plus 7.5% of the earnings base for each unmarried child under the age of 18.	3.00%			Y		Base Pay, excludes unused leave during last 5 Years.	Graduated 7 - 10	7.00 %	EEs can stay in drop up to 84 months
LL	Starke	F		Age 55 regardless of years of service; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	NO	LOD: accrued benefit with minimum of 42% of AMC. Workers' Comp. offset NLOD: must have 10 yrs. svc., computed as normal retirement pension.	3.50%	Y		Y	Y	Salary paid for personal services rendered to the City. Shall not include overtime, travel, equipment	3	Vol: 6.00 % FT: 5.00 % + 5.00% city pick-up	SHARE PLAN- effective 6/1/09 excess state moneys over \$30,248 shall be placed in share plan, provides for vesting after 10 years.
LL	Starke	P		Age 55 regardless of years of service; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	NO	LOD: accrued benefit with minimum of 42% of AMC. Workers' Comp. offset NLOD: must have 10 yrs. svc., computed as normal retirement pension.	3.75%			Y	Y	Salary paid for personal services rendered to the City, including up to 42 hours of overtime. Shall not include allowances for travel, equipment.	3	1.00 % employee 5.00 % city pick-up	
LL	Sunrise	P		Age 53 + 10 years; or 20 years regardless of age EARLY: Age 47 + 10 years	YES	YES	YES	LOD: 75% of salary in effect on date of disability less any amounts paid by worker comp. Offset shall not reduce benefit below 42% of the member's AFC or accrued benefit. NLOD: accrued Benefit with min of 25%	4% of AFC for 1st 10 Years plus 2% for each year thereafter. Plus supplemental monthly benefit \$25 per yr. of svc. With maximum of \$500 per month until age 65 and \$15 per yr. of svc. with maximum of \$300 per month thereafter. (also, 13th check)			Y		Gross Pay, excludes pay for accrued benefits.	10	9.84 %	13th & 14th check DROP participation is 72 months.
LL	Sunrise	F		Tier One (for those hired prior to 9/25/12): Normal Retirement: Age 45 + 25 years; or Age 48 + 21 years; or Age 50 + 10 years Tier Two (those hired on or after 9/25/12): Normal Retirement: Age 55 with 10 years service; or age 52 with 25 years of service. EARLY RETIREMENT: Tier One: Age 47 + 10 years Tier Two: Age 50 + 10 years	YES		YES	LOD: 75% of salary in effect on date of disability less any amounts paid by worker comp. Offset shall not reduce benefit below 42% of the member's AFC or accrued benefit. NLOD: accrued Benefit with min of 25% & max of 50% of AFC	Tier One: 3% for first 15 years service and 3.5% for each year thereafter with cap of 80%. Tier Two: 3% for first 25 years, 1% for each year thereafter, with maximum of 80%.			Y	Y	W-2 Compensation excludes auto & mileage reimbursement; effective 10/1/12 overtime in excess of 300 hours is excluded.	10	10.63 %	DROP: may participate up to 7 years, provides a 6% interest earning. COLA: 2% effective 9/30/01 to commence at the end of the 4th year after retirement. 2.5% effective 10/1/10 to commence at the end of the 7th year.
LL	Surfside	P		Age 52 + 20 years; or Age 62 and 5 years of service; or 25 years regardless of age EARLY: Age 55 + 15 years; or 20 years regardless of age	NO	YES	NO	LOD: 75% (if injury), 45% (if disease) of pay in effect on date of disability, less WC/SS benefits. NLOD: accrued pension benefit.	3.5%, also has Share Plan	Y		Y	Y	Regular Pay for Services Rendered	Graduated 5 - 10	6.00 % = 2.5 % benefit 5.00 % = 2 % benefit; effective 10/1/05 all employees shall contribute 8%.	DROP participation is up to five years.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Sweetwater	P		Age 50 +10 years EARLY: 10 years before normal retirement date	NO		YES	LOD: accrued benefit, but not less than 42%. NLOD: 25% of salary, but not less than a members accrued pension.	2.00%					W-2 Salary	Graduated: 10% per year	6.00 %	
LL	Tallahassee Part C	F		Part C: Age 55 + 5 years; or Rule of 80 (Age + Years = 80 or more) Effective 10-1-99: Age 55 + 5 years; or 25 years regardless of age EARLY: Age 50 + 5 years	YES	YES	YES	LOD: accrued benefit or benefit with srv. To normal retirement date not greater than 50% of avg. mo. comp. NLOD: must have 2 yrs. cr. svc.	Effective 1/1/03, 3% benefit for 1st 20yrs. & 4% thereafter with a cap of 81%. Also has Share Plan. <u>Plus</u> , supplement of \$5 x years of svc. Not in excess of 30.	Y		Y	Y	Base Salary - tax deferred	5	10.08% through 9/30/08, with graduated increases through 9/2017 up to 18.84% and a increase 0.13 each yr until 2036 when reaches 21.44%.	Monthly Health Care Supplement \$5.00 for each month of pension credit up to a maximum of \$150 per mo. DROP participation is up to three years. COLA: 3% beginning at age 52.
LL	Tallahassee Part C	P		Part C: Age 55 + 5 years; or 25 years regardless of age EARLY: Age 50 + 5 years	YES	YES	YES	LOD: accrued benefit or benefit with srv. To normal retirement date not greater than 50% of avg. mo. comp. NLOD: must have 2 yrs. cr. svc.	Part C: Police:-3% for the first 20 yrs. & 4% for ec year thereafter, with a maximum of 81%, but no less than 2% for all years of svc. Also has Share Plan. <u>Plus</u> , supplement of \$5 x years of svc. Not in excess of 30.	Y		Y	Y	Base Salary - tax deferred	5	Hired before 10/1/12 11.25%, hired after 13.69%.	Monthly Health Care Supplement \$5.00 for each month of pension credit up to a maximum of 30 years.
LL	Tamarac	F		NORMAL: Tier One (hired prior to 1/1/13) - Age 55 + 5 vesting credits; or 25 years regardless of age. Tier Two (hired after 1/1/13) - Age 55 with 8 years of svc., or 25 years regardless of age. EARLY: Age 50 + 10 vesting credits	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AMC at time of disability. NLOD: with 8 vesting credits, accrued benefit, but not less than 25% of AMC at time of disability.	*(see comments) 3% for the 1st 15, plus 4% for the next 10 Years immediately following the first 15 Years of service, & 3% for each year of service thereafter. <u>Plus</u> , supplement \$10 per each year service, max \$300 per mon.	Y		Y	Y	Total Cash Remuneration for Services Rendered, including any payments required under Chs 175/185, but not including extra duty pay. Includes up to 300 hours of overtime; excludes overtime in excess of 300 hrs. and payments for sick and vacation leave for service earned after 1/1/13.	Early: 10 vesting credits Normal: Tier One (hired prior to 1/1/13): 5 vesting credits Tier Two (hired after 1/1/13): 8 vesting credits	10.50 %	COLA: *Each participant who was active on or after 3/1/01 shall receive, upon retirement, a monthly subsidy of \$10 for each completed year of credited service. Minimum of \$50, Max. \$300, payable until age 65. Benefit will be adjusted annually by a 2.5% increase. For those retired between 10/1/02 - 2/28/07 - after three years of retirement, 2.5% COLA; for those retired after 6/1/13, after five years of retirement, eligible for 2.5% COLA. DROP: Upon reaching normal retirement date or age 52, whichever is later, member may enter DROP for up to 60 months.
LL	Tamarac - CLOSED transferred to Broward County Sheriff's office	P		Age 52 + 25 vesting credits; or Age 55 + 10 vesting credits; or Age 57 + 5 vesting credits EARLY: Age 50 + 10 vesting credits	YES		YES	LOD: accrued benefit, not to exceed 75% of avg. mo. salary at the time of disability, but not less than 42% of AMC at time of disability. NLOD: with 2 vesting credits but less than 10 vesting credits, a monthly benefit equal to the monthly base wage at time of disability. With 10 vesting credits, accrued benefit, but not less than 25% of AMC at time of disability.	POLICE: 2% for police employed with the City or BSO before 12/19/97; if employed as of 12/19/97 3% of AFC. Additional retirement supplement of \$220 per month for life or ten years certain. (13th check)	Y			Y	Total Cash Remuneration for Services Rendered	5	5.00 % (city pick-up)	Police is closed plan . Supplemental Plan is a Share plan to which the increases in the state moneys are shared with active participants, retirees, and beneficiaries (not disability retirees).
LL	Tampa	P & F		Age 46 + 10 years; or 20 years regardless of age EARLY: Age 46 + 20 years	YES	YES	YES	LOD: 65% of member's annual salary on date of disability, but not less than \$1,200/year. NLOD: 2% of AFC on date of disability x yrs. cr. svc., but not less than 25% of Avg. Salary, must be vested. (also 13th check)	3.15% all years of service.			Y	Y	Total cash remuneration for services rendered, including any payments required under Chs 175/185, but not including extra duty pay. Includes up to 300 hours of overtime.	10	6.00 - 25.00 % member contribution, based on 12 month earnings	
LL	Tarpon Springs	P		Age 50 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: 50% of avg. mo. earnings. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. earnings.	3.00%			Y		Total Cash Remuneration for Services Rendered.	10	8.00 %	After 10-1-00, retirees will receive a monthly benefit adjustment every 5th year in the amount of 2.1% of the current monthly retirement amount.
LL	Tarpon Springs	F		Age 50 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 42% of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3% for service prior to 10-1-99 3.25% for each year of Credited Service on and after 10-1-99.			Y	Y	Total compensation for services rendered to the city as a firefighter reportable on the member's W-2 Form, plus all tax deferred, sheltered and exempt items of income.	10	9.45 %	
LL	Tavares	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years, with 2% reduction	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%.	3.00%			Y		Total cash remuneration paid by the employer, including base pay, overtime and holiday pay, but excluding any payments for extra duty or special detail work performed on behalf of second party employer.	10	3.50 %	
LL	Tavares	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%.	3.00%			Y	Y	Total Cash Remuneration for Services Rendered	10	12.80 %	COLA: 2% each year for all retired participants.
LL	Temple Terrace	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 50% or greater than 100% of pay at date of disablement. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of AFC.	3.50%			Y	Y	Total Salary includes over-time, educational incentive but excludes uniform allowances & third party sick pay.	10 (5 if hired before 10/1/90)	11.20 %	COLA: 3% each year after normal retirement beginning on 56th birthday and ending on 65th birthday.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS
LL	Temple Terrace	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc., accrued retirement benefit, but not less than 25% of AFC.	3.50%	Y		Y	Y	Total Salary includes over-time, educational incentive but excludes uniform allowances & third party sick pay.	10	10.51 %	COLA:3% each year after normal retirement beginning on 56th birthday and ending on 70th birthday.
LL	Tequesta	P & F		Age 55 + 6 years; or Age 52 + 25 years EARLY: Age 50 + 6 years	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: accrued retirement benefit, but not less than 25% of AFC.	3%, <u>plus</u> supplemental benefit, of \$20 per yr. of svc. up to a maximum benefit of \$600.			Y		Total cash remuneration for services rendered.	6	Fire: 5% Police: 5%	
LL	Titusville	P & F		Age 55 + 6 years, or 25 years regardless of age EARLY: Age 45 + 10 years (before 12/22/86) Age 50 + 10 years (after 12/22/86) Effective 6/30/13 age 58 w/ 7.5yrs or 28 yrs Effective 8/26/13 age 62 w/ 10 yrs or 20 yrs Effective 8/26/13 age 62 w/ 10 yrs	YES	YES	YES	LOD: accrued benefit, but not less than 50% of AFC. NLOD: accrued benefit with 10 yrs. cr. svc. Effective 8/26/13-equal to 2% of AFC for each yr of cred srv	3.00%				Y	Total compensation on W-2 form plus all tax deferred & sheltered income.	8	8.00 %	Supplemental benefit of \$5 per year of service, up to a maximum of \$150 per month. COLA: 1.277% each year following 1st year of retirement.; DROP closed 8/26/13
Chapter	Umatilla	P		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42% of avg. mo. salary. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25% of avg. mo. salary.	2.50%					Chapter	10	5.00 % total 0.50% employee 4.50 % city pick-up	
LL	Valparaiso	P & F		Age 55 + 6 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc. accrued benefit, but not less than 25% of AFC.	3.00%			Y	Y	Fire: Base compensation Police: Total cash remuneration for services rendered.	6	2.00 %	COLA: 2% each year following 1st year of retirement. DROP: shall not exceed 60 months and earns 6.5% annual interest.
LL	Venice	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years; or 20 years regardless of age	YES	YES	YES	LOD: greater of 2% times AFC times cr. svc. Or 50% of average final compensation. NLOD: must have 5 Yrs. Cr. svc.	3.5%, <u>plus</u> \$175.00 per month				Y	W-2 Earnings	10	9.75 %	COLA - 3% each October 1 following retirement. Opted out and went to FRS. Still have firefighters in the plan.
LL	Venice	P		Age 50 + 10 years; or 25 years regardless of age EARLY: 20 years regardless of age	YES	YES	YES	LOD: 62.5% of salary plus \$175.00 per month. NLOD: 50% with 5 yrs. cr. svc., plus \$175.00	3.5%, <u>plus</u> \$175 per month supplement.			Y	Y	W-2 Earnings	10	7.25 %	COLA - 6% ad hoc COLA effective 10/1/06.
LL	Vero Beach	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: not less than 50% of AFC. NLOD: must have 10 Yrs. Cr. svc.	3.00% <u>plus</u> \$5.00 per month x Years of Credited Service(for all retirees)			Y	Y	Base pay, not including overtime or other compensation.	10	5.5% hired prior to 10/1/12 and 8% hired after 10/1/12	Ordinance No. 2013-02 changes EE contributions from 3% to 5.5% for those hired prior to 10/1/12. Those hired afterwards will have 8% contributions. Caps overtime to 300 towards retirement.
LL	Vero Beach CLOSED	F		Age 55 + 10 years; or Age 52 + 25 years EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 50% of AFC NLOD: must have 10 yrs. cr. svc., same benefit.	3.00% + \$25.00 per month x Years, of Credited Service. (also 13th check.)				Y	Total cash compensation including wages, salary, bonuses & overtime, but excluding lump sum payment of unused leave.	10	7.00 %	All current & future retirees shall receive an automatic 2% increase in the monthly annuity received on 10/1 of each year.
LL	Village of North Palm Beach	P & F		Age 55 regardless of years of service, or age 52 with 25 years of service EARLY: Age 50 regardless of years of service	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: after 10 years, accrued benefit, but not less than 25%.	2.50%				Y	Gross Salary <u>includes</u> over-time, but <u>excludes</u> bonuses and unused sick/vacation pay.	10	2.00 %	
LL	Wauchula	P (Share)		Age 60 + 10 years EARLY: Age 50 + 10 years	NO		YES	LOD: accrued benefit, but not less than 50%. NLOD: accrued benefit, but not less than 25%.	2.50%, also has Share Plan. <u>Plus</u> supplemental benefit of \$100 per month.	Y			Y	Regular Salary <u>includes</u> over-time, longevity, incentive, sick/annual leave pay & bonuses.	10	10.00 %	
LL	West Manatee Fire & Rescue District	F		Age 55 + 6 years; or 25 years regardless of age EARLY: 6 years regardless of age	YES	YES	YES	LOD: accrued benefit, but not less than 42% of AFC, if unable to perform duties of a FF, or 65%, if unable to perform any duties for the District. NLOD: must have 8 yrs. cr. svc.	3.5% <u>Plus</u> supplemental benefit of \$5 per month per yr. cr. svc..			Y	Y	Total compensation for services rendered as reportable on W-2, plus all tax deferred items.	6	2.90 %	Each July 1st. 3.5% increase in monthly benefit amount.
LL	West Melbourne	P		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42%. NLOD: must have 10 yrs. cr. svc., accrued benefit	3%(*After 10/1/98, members with 20 or more Years of Credited Service will receive an additional monthly benefit equal to \$10 times the number of full Years of Credited Service. *\$10 supplement eliminated for those hired after 1/1/11)			Y	Y	Fixed pay, including incentive pay, 300 hours of overtime, but excluding amounts paid to a member annually to buyback unused sick leave and vacation leave, as well as excluding overtime in excess of 300 hours, bonuses or other special compensation.	Graduated 6 - 10	8.44 %	*Insurance Subsidy Trust Fund DROP participation 60 months or completion of 31 years as a police officer. COLA - 2% deferred until five years after retirement. Establishes 2nd Tier for those hired after 1/1/11 - eliminates COLA, DROP & \$10 Supplement.
LL	West Palm Beach	P		Age 55 + 10 years; or Age 50 + 20 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: 2/3 of final avg. salary, paid to age 55. NLOD: must have 5 yrs. cr. svc., 25% of FAS if Credited Service is 10, otherwise, 20% of FAS.	2.68% for service earned after 10/1/11; 3% of AFC for Service on or after 4/1/87; plus 2.5% rendered prior to 4/1/87 up to a total of 26 yrs. plus 1% in excess of 26 yrs.	Y		Y	Y	Total cash remuneration paid to a police officer for services rendered.Excluding lump sum payments for accumulated leave such as accrued vacation leave, accrued sick leave, & accrued personal leave. Effective 1/1/13 overtime is limited to 300 hours.	10	11.00 %	Has 13th check. DROP - 5 years, but eligibility available only for those with less than 27 years, total years may not exceed 30 yrs. of svc. Choice of fixed or guaranteed rate of 8%, but can be lowered to 4%.

BRIEF SUMMARY OF PLAN BENEFITS

TYPE OF PLAN	MUNICIPALITY OR SPECIAL DISTRICT	TYPE	Mutual Consent	NORMAL/EARLY RETIREMENT (REQUIRED AGE AND/OR SERVICE)	NORMAL RETIREMENT BENEFIT EQUAL TO OR BETTER THAN CHAPTER	25 AND OUT OR BETTER	DISABILITY BENEFITS EQUAL TO OR BETTER THAN CHAPTER	DISABILITY BENEFITS	BENEFIT ACCRUAL RATE	S H A R E	S U P P L	D R O P	C O L A	SALARY	VESTING (in years)	MEMBER CONTRIBUTION	COMMENTS	
LL	West Palm Beach	F		Age 50 + 15 years; or Age 55 + 10 years; or 26 years regardless of age Effective 10/1/88: share accounts established for each member EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit , but not less than 65%. NLOD: must have 5 yrs. cr. svc., accrued benefit, but not less than 25%, if service is 10 or more yrs.	3% for service after 5/13/2012; 4% of AFC for Service earned prior to 5/13/12, with maximum of 92%, with a minimum of 2% x all years of svc.	Y			Y	Fixed Monthly Compensation	10	13.10 %	Has 13th check. SHARE - for 2012 & 2013 Share Plan moneys divert to DB plan.	
LL	Williston	P		Age 55 + 10 years; or Age 52 + 20 years; or after 30 years of service. EARLY: age 50 + 10 years	YES		YES	LOD: accrued benefit, but not less than 42%. NLOD: after 10 years, accrued benefit, but not less than 25%.	3%	Y				Chapter	10	5.00 %	SHARE: all of state moneys go into share plan.	
LL	Wilton Manors	P & G		Age 60 + 5 years; or 20 years regardless of age EARLY: Age 50 + 15 years	NO	YES	YES	LOD: 50% of AMC payable after 5 mo. of continuous disability, not less than accrued benefit. NLOD: must have 15 yrs. cr. svc., 25% of AMC after 5 mo. of continuous disability, not less than accrued benefit.	3% , <u>plus</u> a supplement of \$10 for each year of service with maximum of \$200 per month.				Y	Y	Regular wages <u>includes</u> longevity pay, but <u>excludes</u> over-time.	Graduated 5 - 10	10.00 %	Does not comply with 99-1 (General & Police Employees combined)
LL	Wilton Manors Unpaid volunteers)	F		Age 50 + 20 years; or Age 55 regardless of years of service	NO		YES	LOD: accrued benefit	\$56.00 for each year of active membership.					Unpaid Volunteers. Not compensation related	10	None		
LL	Winter Garden	P & F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, not less than 42%, (if caused by intentional act of violence, min. of 80%) of AFC. NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%.	3.00% for Credited Service up to 25 Years + 2% for each year over 25.					Total cash remuneration including OT, but not including payments for extra duty or a special detail work performed on behalf of a 2nd party employer. For service earned after July 1, 2011, salary shall not include more than 300 hrs of overtime, and excludes payments for accrued sick and vacation leave for service earned after July 1, 2011.	6	3.50 %		
LL	Winter Haven	F		Age 55 + 10 years; or 25 years regardless of age EARLY: Age 45 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: must have 10 yrs. cr. svc.	3.80%				Y	Y	Fixed Compensation for services rendered to the city as a firefighter reportable on the member's W-2 form, plus all tax deferred, exempt or sheltered items of income.	10	10.00 %	DROP participation shall not exceed 60 months. COLA - equal to .5% for a period of 10 years available one year after retirement.
LL	Winter Haven	P		Age 55 + 10 years; or Age 60 regardless of years of service; or 25 years regardless of age EARLY: Age 50 + 10 years, or after 20 years of service regardless of age.	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: must have 10 yrs. cr. svc.	3.50%				Y	Y	Total Compensation for services rendered to the city as a police officer reportable on the member's W-2 form, plus all tax deferred, exempt or sheltered items of income.	10	8.20 %	COLA - equal to .5% for a period of 10 years available one year after retirement.
LL	Winter Park	P		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit, but not less than 42% NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%.	3.00%				Y	Y	Total Pay <u>includes</u> vacation and comp time pay accrual.	10	6.00 %	COLA Beginning at age 60. 3% per year
LL	Winter Park	F		Age 55 + 10 years; or 20 years regardless of age EARLY: Age 50 + 10 years	YES	YES	YES	LOD: accrued benefit , but not less than 42% NLOD: must have 10 yrs. cr. svc., accrued benefit, but not less than 25%.	3.00%				Y	Y	Total Pay reported on W-2 except special details, duty indirectly paid for by pr8vate parties and tuition reimbursement.	10	6.00 %	COLA Beginning at age 60, 3% per year. DROP - participation for up to 84 months. Employee has option of 6 1/2 % fixed rate or the investment earnings of the plan.
15	Chapter Plans		No		15													
284	Local Law Plans		YES		284													
299	Total				299	187	281			56	3	212	155					
Every effort has been made to present correct information. Please let us know if errors occur.				In making the determination for age & service, <u>if any element in the statutory requirement for early or normal retirement was missing</u> , the plan benefit was determined to not be equal to or better than chapter benefit.														

Glossary

Glossary of Basic Trustee Terms

active manager – a portfolio manager who takes an active role in security selection and risk management in an attempt to improve a portfolio's risk-adjusted return or reduce an issuer's cost of capital. Contrast with Passive Manager.

actuarial asset value – a value of the plan's assets established for the purpose of determining annual funding cost.

actuarial assumptions – estimates of future events; such as payroll growth, annual salary increases, inflation, investment returns, mortality, termination of employment, etc.

actuarial impact statement – a report prepared by an actuary that describes changes to the provisions of a pension plan and the associated costs to properly fund these changes in the benefits.

actuarial liability – the excess of the present value of the future benefits and administrative expenses over the present value of future contributions for the normal cost for all plan participants and their beneficiaries.

actuarial valuation – a report prepared by an actuary that calculates the liabilities, net assets available for benefits and the associated cost to properly fund the plan benefits.

actuary – a statistician who computes insurance or pension risks and the required funding.

ADR – American Depository Receipt, a security issued by a U.S. bank in place of the foreign shares held in trust by that bank, thereby facilitating the trading of foreign shares in US markets. These are still considered to be a foreign security.

agency – any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private agency, person, partnership, corporation or business entity acting on behalf of any public agency.

aggressive – an investment approach that takes higher risks in return for potentially higher rewards.

annualized rate of return – the average rate of return over a period of years, taking into account the effect of compounding. Also called the compound growth rate. For example, a 100% return over five years is equivalent to an annualized rate of return of 14.87% per year.

AMEX – American Stock Exchange

annuity – an investment made (usually through an insurance company) that guarantees a fixed or variable series of payments, usually at retirement. Lump-sum withdrawals made prior to age 59 1/2 may be subject to a 10% IRS penalty.

appreciation – an increase in the basic value of an investment.

arbitration – a system for resolving disputes between two or more parties who submit their disagreement to an impartial panel. Decisions of the panel are binding.

asset – anything of economic value that is owned by a firm or individual.

Glossary of Basic Trustee Terms

asset allocation – the types and quantities of assets that a plan will hold in its investment portfolio, based upon the required rate of return for the assets of the fund and the desired, or acceptable, level of risk that the plan is willing to withstand.

- Strategic – Long-term decisions, based on investment and actuarial assumptions
- Tactical – Short / intermediate term decisions, based on market opportunities

auditor's report – the statement of an independent accounting firm's work and its opinion of the entity's financial statements, especially if they conform to the normal and generally accepted accounting principles.

average final compensation – an amount calculated using retirement creditable earnings for a period of time specified by law.

balance sheet – a condensed financial statement showing the nature and amount of an entity's assets, liabilities and capital as of a given date.

balanced fund – a fund that seeks both growth and income, with stability of principal, through a portfolio that includes both stocks and bonds.

basis points – 1/100 of one percent. 100 basis points equals one percent.

bear market – a prolonged period of declining stock prices.

beneficiary – a recipient of proceeds from a qualified retirement plan or insurance policy upon the death of the registered owner.

benefit accrual rate – the percentage of a participant's average final compensation earned for each year of credited service.

beta (β) – measure of a portfolio or security's sensitivity to changes in an index

$\beta > 1$ portfolio moves more than index

$\beta < 1$ portfolio moves less than index

$\beta = 1$ portfolio moves in unison with index

blue chip – a high-quality, relatively low-risk investment; the term usually refers to stocks of large, well-established companies that have performed well over a long period.

board of trustees – the group of elected/appointed individuals which shall be fiducially responsible for administering a pension plan or retirement system trust fund.

bond – a debt security, or IOU, issued by a government or a corporation. By its terms, it pays interest and returns the face value on the maturity date. Income funds invest primarily in bonds. Bond prices vary inversely with interest rates – interest rates go up, bond prices fall.

broker – a representative who handles transactions related to investors' orders to buy and sell securities.

bull market – a prolonged period of rising stock prices.

Glossary of Basic Trustee Terms

calendar year – the **period** of time beginning January 1 and ending on the following December 31.

capital – the wealth of a business or an individual in terms of money or property.

capital appreciation – a rise in principal value of a security.

capital gain / loss – the gain or loss realized when a security is sold for more or less than the original purchase price.

cash equivalent – a short-term money market instrument, such as a Treasury bill or repurchase agreement, of such high liquidity and safety that it is virtually as good as cash.

caveat emptor – Latin phrase meaning "Let the buyer beware."

certificate of deposit (CD) – a receipt for funds that have been deposited in a bank for a specific period of time at a fixed rate of interest. A CD is generally guaranteed by the FDIC. Early withdrawal results in a penalty. CD's also may be issued by a corporation; these are not guaranteed by the FDIC.

CFP – Certified Financial Planner, an individual who has completed the educational requirements of the International Board of Certified Financial Planners (IBCFP) which covers all facets of financial planning from taxes to investments.

chapter plan – a locally administered defined benefit pension plan for firefighters or police officers which incorporates by reference the provisions of Chapter 175 or 185, respectively, and has been adopted by the governing body of a municipality or special district. Chapter Plan provisions do not vary from the provisions set forth in Chapters 175/185, except as specifically authorized by these Chapters.

city code – a three-digit numerical code used to identify participating Chapter 175 and 185 cities or special districts.

closed plan – a pension plan that no longer accepts new members.

common stock – units of ownership in a public corporation. Also called equity, or simply, stock. Common stock may or may not pay regular dividends.

compounding – interest paid on interest, resulting in a geometric rate of increase on the initial principal. For example, a \$100 investment that earns 5% generates \$5 per year. With compounding, it would generate \$5 the first year, making a new basis of \$105; then \$5.25 the next year, for a basis of \$110.25; \$5.51 the next year; and so on. In a mutual fund, reinvesting dividends and capital gains takes advantage of the power of compounding.

comprehensive annual financial report (CAFR) – a consolidated presentation of an entity's audited financial statements and operating activities for a specified period.

conservative – a cautious approach to investing that assumes minimal risk to seek a moderate return.

consumer price index (CPI) – the change in consumer prices determined monthly by the U.S. Bureau of Labor Statistics, often cited as a general measure of inflation.

Glossary of Basic Trustee Terms

contribution – a payment for pension funding.

contribution rate – the percentage of wages or compensation that is required for pension funding.

contributory plan – an employee benefit plan under which participants bear all or part of the cost.

convertible bond – a bond than an owner can exchange for stock before maturity.

cost of living adjustment (COLA) – wage or benefit increase intended to offset the effects of inflation.

currency risk - the risk of an investment's value changing because of currency exchange rate fluctuations.

debt – an obligation to pay.

deep discount bond – see zero coupon bond.

deferred retirement option plan (DROP) – a method of payment whereby the participant retires for pension purposes and elects to defer receipt of retirement benefits for a specified and limited period while continuing employment.

defined benefit pension plan (DB) – a pension plan that provides a promise to pay to participants specified benefits that are determinable and are based on one or more factors such as age, years of service, compensation and/or benefit rate.

defined contribution pension plan (DC) – a pension plan that provides an individual account for each participant and provides benefits that are based on amounts contributed to the participant’s account by the employer and the employee; investment experience; and any forfeitures allocated to the account, less any administrative expenses charged to the plan.

depreciation – decrease in the basic value of an investment.

derivatives – financial instruments whose value is derived from the value of some other investment(s) or criteria.

disability – a physical or mental impairment which results in the inability to pursue an occupation.

discount – sale of a bond at a price less than face value.

diversification – spreading investment funds among different types of investments and industries for the purpose of increasing return and / or reducing risk.

dividend – payment received by stockholders from the earnings of a corporation.

division of retirement – the state agency statutorily responsible for administering or overseeing public retirement systems and programs within the State of Florida.

Glossary of Basic Trustee Terms

dollar cost averaging – investing the same fixed dollar amount in the same investment at regular intervals over a long period of time.

Dow Jones Industrial Average (DJIA) – the most commonly used indicator of historical stock-market performance, a price weighted average based on the prices of 30 actively traded major industrial companies determined from the NYSE industrials. This often is simply called "the Dow." It is an unmanaged index.

duration – a measure of fixed income price volatility calculated by combining size and timing of interest and principal payments. The longer the duration, the more sensitive the issue will be to changes to interest rates.

early retirement benefit – the benefit payable immediately to a member of a pension plan or retirement system that is reduced because the member retired before the normal retirement age or date.

early retirement factor – the percentage by which a benefit will be reduced for each month the retirement date precedes normal retirement age or date.

earnings gain/loss – the difference between your beginning balance and your ending balance that is due to investment performance, which includes market value fluctuation and (if not shown separately) interest and dividends.

effective date – the **date** upon which a contract, obligation, resolution or ordinance becomes binding.

electronic fund transfer (EFT) – the transmittal of currency using an automated clearinghouse.

employee contributions – pension funding paid by the employee, usually expressed as a percentage of covered wages.

employer contribution – pension funding paid by employer, usually expressed as a percentage of covered wages.

enrolled actuary – an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries and who is enrolled under subtitle C of the Employee Retirement Income Security Act of 1974.

equity – the ownership interest of common and preferred stock holders in a company.

ERISA – the Employee Retirement Income Security Act of 1974 that created rules designed to protect the interests of workers who participate in employee benefit plans and their beneficiaries. Governmental plans, including those of state and local governments, are generally **not** subject to the requirements of ERISA.

exchanges – marketplaces for transactions such as the New York Stock Exchange (NYSE), the American Stock Exchange (AMEX), the NASDAQ and the Chicago Board of Trade.

face value – the amount a bond is worth at maturity.

Glossary of Basic Trustee Terms

fair value – the amount that could reasonably be expected to be received in a current sale between a willing buyer and a willing seller. It should be measured by the quoted market price if there is an active market for the investment.

fannie mae (FNMA) – Federal National Mortgage Association

FDIC – Federal Deposit Insurance Corporation, an agency of the federal government created to guarantee bank deposits.

fiduciary – a person or group of persons that provides advice or service to a retirement plan or system, with the duty to act primarily for the benefit of the plan or system in all matters connected with its operation.

fiscal year – an accounting period of 365 days (366 in leap years) for which an entity prepares financial statements and performance data. Not necessarily the same as the calendar year (January 1 through December 31).

fixed-income securities – another name for bonds, notes, money market instruments, investment contracts, and preferred stock. All of these pay a preset or "fixed" rate of interest.

Florida Administrative Code (FAC) – rules and regulations of Florida regulatory agencies filed with the Department of State under the provisions of Chap.120, F.S. .

Florida Retirement System (FRS) – the system established by chapter 121 to provide retirement benefits under the following classes and programs: The Regular, Special Risk, Special Risk Administrative Support, Senior Management Service, and Elected State and County Officers' Classes; and the State University System Optional Retirement Program and the Senior Management Service Optional Annuity Program.

foot – the summation of a group or column of numbers.

fraud – the art of deceiving or misrepresenting the truth.

full-service brokers – people who buy and sell securities or commodities to investors and offer information and advice.

fund balance – the residual amount available after reducing net plan assets by total liabilities and adjusting for excess of revenue over expenditures (a.k.a. net plan assets available for benefits).

futures contract – a legal commitment to buy or sell a commodity at a specific future date and price.

GASB-5 disclosure statement – disclosure of pension information by public employee retirement systems and state and local governmental employers; required to be included with audited financial statements for the reporting entity.

ginnie mae (GNMA) – Government National Mortgage Association

global fund – a mutual fund that normally invests in at least three foreign countries.

Glossary of Basic Trustee Terms

government security – any debt obligation issued by the U.S. government or its agencies. Certain securities, such as Treasury bonds and Ginnie Maes, are backed by the government as to both principal and interest payments. Other securities, such as those issued by the Federal Home Loan Mortgage Corporation, or Freddie Mac, are backed by the issuing agency.

governmental accounting standards board (GASB) – organized in 1984 by the Financial Accounting Foundation to establish standards of financial accounting and reporting for state and local governmental entities. Its standards guide the preparation of external financial reports of those entities.

growth and income fund – a fund that invests in stocks and fixed income securities that pay dividends and have the potential to grow in value. The fund may also invest in bonds.

growth fund – a fund that invests mostly in growth stocks, with the goal of producing appreciation in the value of the stock as opposed to income.

guaranteed insurance contract (GIC) – investment similar to a CD, but issued by an insurance company.

high-yield bond – a bond that pays a relatively high rate of interest (generally associated with a high level of risk). They are generally issued by entities whose debt securities have been given noninvestment-grade ratings, according to rating agencies. These noninvestment-grade bonds are sometimes referred to as "junk bonds."

historical cost – the amount paid for the acquisition of an asset at the time of purchase.

impact statement – a statement setting forth the actuarial liabilities and contribution requirements of a proposed change in the provisions of a retirement system or pension plan, certified by an enrolled actuary.

income fund – a fund that invests mostly in bonds or income producing stocks.

income statement – a financial statement that summarizes the revenues and expenses of an entity for a period ended as of a specific date.

index – a benchmark against which to measure performance, such as Standard & Poor's 500 Index.

individual retirement account (IRA) – a tax deferred retirement savings account.

inflation – a general rise in prices of goods and services. This reduces the purchasing power of money.

initial public offering (IPO) – a private company's first public offering of common stock.

in-line-of-duty – in the actual performance of the duties required by the member's employer.

insider trading – the illegal use of investment information not generally known to the public.

Glossary of Basic Trustee Terms

institutional investor – an organization whose primary purpose is to invest its own assets or those held in trust by it for others. Includes pension funds, investment companies, insurance companies, universities and banks.

instruments – legal documents that define the provisions of a pension plan or retirement system.

insured plan – a plan that is funded by annuity contracts purchased from an insurance company, generally supported by annual contributions.

interest – cost of borrowing money, expressed as a rate of interest per period of time. For example, one year's interest rate is called an annual rate of interest.

investment company – a company that invests in other companies. Each open-end and closed-end fund is actually a separate investment company owned by its shareholders and governed by rules established in the Investment Company Act of 1940. An investment company combines the money from a number of investors and then invests the money in a large, diversified portfolio. A mutual fund.

investment contract (GIC) – an interest-paying contract typically issued by an insurance company, bank, or similar type of financial institution. The interest and principal are guaranteed by the issuing company.

investment objective – the goal an investor or a mutual fund seeks to accomplish. Investment objectives include current income, capital appreciation, capital preservation or a combination thereof.

investment-grade bond – a class of bond suitable for purchase by prudent investors. Standard & Poor's and Moody's Investors Service designate bonds in their top four categories (AAA/Aaa, AA/Aa, A, and BBB/Baa) as investment grade.

joint annuitant – a spouse or dependent who is eligible to receive continuing benefits upon the death of the member.

junk bonds – another name for high-yield bonds with below investment grade ratings.

leverage – to enhance an entity's economic position / gain through the use of borrowed funds.

liability – claims against the assets of a corporation.

limited partnership – an investment vehicle formed of a general partner (with unlimited liability) and limited partners (with limited liability, generally the investors). Limited partners generally exercise no control.

liquidity – the ease with which an investment can be converted into cash.

load fund – a mutual fund purchased directly by the public that charges a sales commission when bought or sold.

Glossary of Basic Trustee Terms

local law plan – a locally administered defined benefit pension plan for firefighters or police officers, established by municipal ordinance, special district resolution, or special act of the Legislature, which enactment sets forth all plan provisions. Local Law plan provisions may vary from the provisions of Chapters 175/185, F.S., provided that certain minimum benefits and standards are met.

long-term investment strategy – a strategy that looks past the day-to day fluctuations of the stock and bond markets and responds to fundamental changes in the financial markets or the economy.

lump-sum distribution – a withdrawal of the entire value of a pension plan benefit.

market capitalization (market cap) – number of shares times price per share.

market price – the price the seller will accept and the buyer will pay.

market timing – a strategy of buying or selling securities in anticipation of changes in market or economic conditions.

market value (assets) – see **fair value**.

maturity – a measure of the length of a bond's life, expressed in years, based on the date on which payment of the principal is due.

- Short term – One year or shorter
- Intermediate Term – One to ten years
- Long term – More than ten years

money manager – a person or company responsible for investing the assets of an entity.

money market fund – a mutual fund designed to provide safety of principal and current income by investing in securities that mature in one year or less, such as bank certificates of deposit, commercial paper, and U.S. Treasury bills. Money market funds have the lowest risk of any type of mutual fund.

mortality tables – statistical data, used by an actuary, to project life expectancy for the calculation of benefit payments.

municipal bond –an IOU issued by a state, city, or other municipality to finance public works such as the construction of roads or schools. The interest is usually free from federal income tax and may be free from state and local taxes as well.

mutual fund – an investment of the pooled money of shareholders in various types of investments. The advantages of mutual funds include professional management, diversification, convenience, and ease of recordkeeping. Mutual funds come in many different types. Some invest only in short-term money market instruments, some in stocks or bonds, and some in a variety of securities. Mutual funds are not federally insured and may involve a loss of principal.

Glossary of Basic Trustee Terms

NASD – National Association of Securities Dealers, the securities industry's largest self-regulatory agency. Parent corporation of NASD Regulation and The NASDAQ Stock Market.

NASDAQ – a nationwide electronic system established by the NASD for up-to-the-minute price quotations and trading on over 5,000 over-the-counter stocks.

NASDAQ Composite Index – market value weighted index measuring over 5,000 NASDAQ listed common stocks.

net asset value (NAV) – market value of one share of a mutual fund, not including the sales charge.

net assets available for benefits – see fund balance.

no-load fund – a mutual fund purchased directly by the public; does not have a charge for buying or selling.

noncontributory plan – an employee benefit plan under which participants do not make contributions.

normal retirement benefit – the benefit payable to a member of a pension plan or retirement system after meeting the criteria for an unreduced benefit.

normal retirement date – the date a member becomes fully vested and is eligible to receive a retirement benefit which is not reduced because the pension plan or retirement system requirements have been met.

NYSE – New York Stock Exchange

odd lot – a unit of less than 100 shares of stock.

option – the right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time.

opt-out employer – any municipality, special district, or hospital that elected to cease participation in the FRS as of 1/1/96 for future employees. Employees as of 12/31/95 remain members of the FRS.

over-the-counter market (OTC) – a market in which stocks are traded by telephone and computer networks (e.g., the NASDAQ) rather than on the floor of a major stock exchange (e.g., the NYSE). Many OTC stocks represent shares in new, growing companies.

p/e ratio – price/earnings ratio, the price of a stock divided by per share earnings. A figure used to evaluate the value of a stock. Also referred to as the "multiple," that is the number of times by which the company's latest 12-month earning must be multiplied to obtain the current stock price.

par value – a dollar amount assigned to a share of stock by a company's charter. Bears little relationship to the market value. For bonds, the par value is the face amount, usually \$1,000.

passive manager – an asset manager who invests assets in index portfolios or unmanaged portfolio of securities and other instruments without attempting to select individual securities.

Glossary of Basic Trustee Terms

penny stocks – high-risk stocks that generally sell for less than about \$1, and are not listed and traded on any exchange or stock market. (Con-artists often deal in penny stock frauds).

Pension Benefit Guaranty Corporation (PBGC) – the federal agency that insures and protects pension benefits in certain pension plans. Benefits insured by the PBGC are guaranteed, up to certain legal limits.

pension trust fund – a legal entity used to accumulate and disburse assets in accordance with the terms of the plan. A trustee administers and invests its assets for the plan members.

performance evaluator – a consultant who, based on education and experience, is professionally qualified to evaluate the performance of a professional money manager and who, at a minimum:

- provides his or her services on a flat-fee basis
- is not associated in any manner with the money manager for the pension fund
- makes calculations according to the American Banking Institute method of calculating time-weighted rates of return. All calculations must be made net of fees
- has 3 or more years of experience working in the public sector

pickup contributions – a provision of the Internal Revenue Code whereby the government employer “contributes” to the plan the required employee contributions. There are treated as pre-tax contributions from an income tax perspective. In addition to ordinary income tax, a 10% excise tax is generally payable in the event that the employee withdraws such contributions in a lump sum prior to age 59 ½. See pre-tax contributions.

plan year – the fiscal year used by a plan.

PLOP – is the acronym for “partial lump sum option program.” It provides the employee the option of electing a partial lump sum payment of his accrued benefit (usually the total of a number of months of his accrued benefit or a percentage of the present value of his benefit) and the employee’s monthly retirement benefit is actuarially reduced to reflect the lump sum payment.

portfolio – all the investments held by an investor (individual, institutional, mutual fund, etc).

preferred stock – a kind of stock that pays a set dividend rate. Most preferred stocks are more like bonds than common stock. It has a higher standing than common stock for collecting dividends and bankruptcy distributions.

premium – sale of a bond at a price greater than face value.

premium tax distribution – the disbursement by the Division each July 1st of taxes collected on property and casualty insurance policies as provided in ss. 175.01 and 185.08 F.S., to police and firefighter pension plans.

present value – the value today of a future stream of cash payments after discounting the time value of money.

Glossary of Basic Trustee Terms

presumptive language – legislative requirement that a condition or impairment of the health of certain members caused by specified diseases resulting in total or partial disability or death shall be presumed to have been accidental and suffered in the line of duty, unless the contrary may be shown by competent evidence.

pretax contributions – employee contributions to a pension plan or retirement system that are made prior to the withholding of income tax. These amounts are not taxed until they are withdrawn from the plan as either termination or benefit payments. See pickup contributions.

prime rate – the lowest interest rate charged by commercial banks to their most credit worthy and largest (prime) corporate customers. Many other interest rates are derivatives of the prime rate.

principal value – the original value of your investment, apart from any dividends, interest, or gains.

prospectus – legal document describing an investment offered for sale. Required by the SEC prior to being offered to the public.

proxy – a written authorization that allows one person to act for another. For example, shareholders who are unable to attend a corporation's annual meeting may mail in their ballots and vote by proxy.

prudent man rule – an investment standard that requires a trustee to invest in a security if it is one that would be bought by a prudent man of discretion and intelligence, who is seeking a reasonable income and preservation of capital considering the risks and investment objectives.

public records – all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

qualified public depository – a bank or savings association that meets all of the requirements of this chapter 280, F.S., and that has been designated by the Treasurer as a qualified public depository.

qualified retirement plan – a program that qualifies for tax deferral and other benefits under rules set by the Internal Revenue Code.

rate of return – a combination of yield (dividends or interest) and appreciation (increase in basic value of the investment) divided by the average amount of assets available for investment during a set period of time.

Glossary of Basic Trustee Terms

rating – an evaluation given by Moody's, Standard and Poor's, Fitch or other rating of a security's creditworthiness. A measure of the likelihood of being paid principal and interest as promised.

	<u>S & P</u>	<u>Moody's</u>
Government	Gov't	Gov't
Corporate		
Highest	AAA	Aaa
High	AA	Aa
Upper Medium	A	A
Low Investment Grade	BBB	Baa
Speculative	BB & B	Ba & B
Poor to default	CCC	Caa

real rate of return – the rate of return after adjusting for the effects of inflation.

realized gain / loss – a gain that is realized when an investment is sold.

repurchase agreement (repo) – an agreement to sell a security generally to a financial institution at an agreed upon interest rate and to buy it back at the same or other agreed upon price at an agreed upon date. Usually these are very short term agreements.

return – the total income from an investment; includes income plus capital gains or minus capital losses.

risk – the possibility of not getting an expected return or losing principal. Standard deviation frequently used as a measure of risk.

risk tolerance – a capacity to endure market price swings in an investment.

rollover – amount that can be transferred to another qualified plan or IRA upon leaving an employer.

round lot – 100 shares of one stock.

rule of 72 – a mathematical “rule of thumb” used to determine the length of time needed to double an investment at a given interest rate.

SEC – Securities and Exchange Commission, a federal agency established to license brokerage firms and regulate the securities industry. While the SEC helps curb investment fraud, the individual investor, not the SEC, must judge the worth of the security offered for sale.

securities – a broad range of investment instruments, including stocks, bonds and mutual funds.

settlement – conclusion of a securities transaction when a customer pays a broker/dealer for securities purchased or delivers securities sold and receives from the broker the proceeds of a sale. Similar to “closing” when buying or selling a house.

Glossary of Basic Trustee Terms

share – a unit of ownership in an investment.

share plan – means a plan to which deposits of the premium tax moneys are made to provide extra benefits to firefighters and/or police officers. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan that meets the minimum benefits and minimum standards of Chapters 175 and 185, Florida Statutes. See ss. 175.351(1)(b) and 185.35(1)(b), F. S. A share plan is a defined contribution plan that augments the retirement benefits received under an existing defined benefit plan. Often primarily supported by the state premium tax distributions under Chapters 175 / 185. By statutory definition, a share plan is a type of “**supplemental plan**” as defined in ss. 175.032(17) and 185.02(15), F. S.

special fire control district – a special district established for the purposes of extinguishing fires and protecting life and property within the incorporated or unincorporated portions of any county or combination of counties.

Standard & Poor's 500 Index – an unmanaged index that represents the investment performance of 500 large stocks in all major industries. The S&P 500 is often used as a measure of the stock market's historical performance. You cannot invest directly in this index.

standard deviation – variability of expected return. Approximately 68% of the time, actual outcome will fall within +/- one standard deviation of the mean or average return. Example, if the 10 year annualized S & P 500 return is 15.29% and the standard deviation is 14.07%, then 68% of the time, the S & P 500 return was between 1.22% and 29.36%, calculated as follows:

$$15.29\% + 14.07\% = 29.36\%$$

$$15.29\% - 14.07\% = 1.22\%$$

stock – short for common stock, units of ownership in a corporation, usually with voting rights on important company matters; also called a share.

stock split – an increase in the number of outstanding shares of a stock or mutual fund with a corresponding adjustment in the share price. A stock split has no effect on the market value or the value of the owner's shares. For example, if a stock selling for \$100 per share splits 2 - for - 1, a shareholder with 100 shares worth \$10,000 before the split would have 200 shares worth \$50 per share after the split, with the same \$10,000 value.

street name – when securities are held in the name of the broker rather than the investor.

supplemental plan – means a plan to which deposits of the premium tax moneys are made to provide extra benefits to firefighters and/or police officers. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan that meets the minimum benefits and minimum standards of Chapters 175 and 185, Florida Statutes. See ss. 175.351(1)(b) and 185.35(1)(b), F. S. The supplemental plan may be a defined benefit plan (sometimes funded entirely through premium tax refunds) that augments the benefits provided by an existing defined benefit plan or may be a defined contribution plan, commonly called a **share plan** that is generally made up solely of the premium tax refunds.

Glossary of Basic Trustee Terms

tax deferral – the ability to postpone taxes through a qualified retirement plan. Tax deferral means that you generally pay no current federal income taxes on any income and earnings on assets invested in a qualified plan until you withdraw funds from the plan. When you make withdrawals from a qualified plan, you must pay income taxes on such withdrawals and a 10% tax penalty if a lump sum withdrawal is made before age 59 ½, excluding after-tax contributions.

taxable distributions – the portion of a payment to a member that is subject to Federal Income Tax and is reported to the Internal Revenue Service on form 1099-R.

tax-exempt investments – investments, which are not subject to, tax on income earned.

total return – the change in value of your investment and reinvested income over time. For example, if your investment paid 5% interest for a year and its principal value went up 5%, your total return is 10%. Essentially, total return measures the actual increase or decrease in the value of an investment, assuming all distributions were reinvested.

treasury bills (t-bills) – short-term IOUs issued by the government to borrow money. These range in maturity from 91 days to one year.

treasury bonds – U.S. government debt with a maturity of more than 10 years is a bond.

treasury notes – U.S. government debt with a maturity of one to 10 years is a note.

trustee – an organization or individual administering property on behalf of others. A trustee acts a fiduciary.

unfunded actuarial liability (UAL) – the excess of the actuarial liability over the value of the assets of a pension plan.

unrealized gains/losses – the change in fair market value of a portfolio attributable to the current period's fluctuations in the value of the securities in the portfolio. An investment that has increased in value, but has not yet been sold, has an "unrealized" gain.

vested (vesting) – completion of the necessary creditable service to become eligible for a guaranteed future pension benefit.

yield – interest or dividend generated by the investment, generally calculated as a percentage of the amount invested. (see rate of return)

yield to maturity – the total annual rate of return on a bond when it is held to maturity, considering the purchase price, time to maturity, value at maturity and the annual dollar amount of interest earned.

yield curve – the curve derived from plotting the current interest rate being paid on US Government debt issues covering the shortest to the longest maturity.

Glossary of Basic Trustee Terms

zero coupon bonds – bonds issued for less than face value; they pay no interest income. Return to the investor occurs when the bond is sold or redeemed. Also called deep discount bonds.

401(k) – a special type of tax-qualified retirement plan, named for a section of the Internal Revenue Code that permits employees to save on a pretax basis through payroll deductions. It is also known as a salary reduction plan because the amount you contribute reduces current taxable wages.

Investment Options				
	<u>Yield Range in Recent Years</u>	<u>Financial Risk</u>	<u>Inflation Hedge</u>	<u>Liquidity</u>
Stocks		Med. – High	Good	High
Common	0 – 20%			
Preferred	5 – 9%			
Bonds			None	Varies,
Municipal	3 – 10%	Low – Med.		Immediate
Corporate High Quality	6 – 11%	Low – Med.		to 30 Years
Junk Bonds	8 – 14%	High		
Mutual Funds	0 – 16%	Low – High	Good	High
Real Estate	0 – 20%	Med. – High	Good	Low
Source: Eastern Michigan University, National Institute for Consumer Education				

Chapter

112

CHAPTER 112

PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

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TRAVEL EXPENSES
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PART I			
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112.011 Disqualification from licensing and public employment based on criminal conviction.—

(1)(a) Except as provided in s. 775.16, a person may not be disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of the prior conviction for a crime if the crime was a felony or first-degree misdemeanor and directly related to the position of employment sought.

(b) Except as provided in s. 775.16, a person may be denied a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business by reason of the prior conviction for a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

(c) Notwithstanding any law to the contrary, a state agency may not deny an application for a license, permit, certificate, or employment based solely on the applicant's lack of civil rights. However, this paragraph does not apply to applications for a license to carry a concealed weapon or firearm under chapter 790.

(2)(a) This section does not apply to any law enforcement or correctional agency.

(b) This section does not apply to the employment practices of any fire department relating to the hiring of firefighters.

(c) This section does not apply to the employment practices of any county or municipality relating to the hiring of personnel for positions deemed to be critical to security or public safety pursuant to ss. 125.5801 and 166.0442.

(3) Any complaint concerning the violation of this section shall be adjudicated in accordance with the procedures set forth in chapter 120 for administrative and judicial review.

History.—ss. 1, 2, 3, ch. 71-115; s. 1, ch. 73-109; s. 20, ch. 81-24; s. 30, ch. 88-122; s. 1, ch. 90-266; s. 678, ch. 95-147; s. 3, ch. 2002-169; s. 3, ch. 2011-207; s. 90, ch. 2013-183.

112.0111 Restrictions on the employment of ex-offenders; legislative intent; state agency reporting requirements.—

(1) The Legislature declares that a goal of this state is to clearly identify the occupations from which ex-offenders are disqualified based on the nature of their offenses. The Legislature seeks to make employment opportunities available to ex-offenders in a manner that serves to preserve and protect the health, safety, and welfare of the general public, yet encourages them to become productive members of

society. To this end, state agencies that exercise regulatory authority are in the best position to identify all restrictions on employment imposed by the agencies or by boards that regulate professions and occupations and are obligated to protect the health, safety, and welfare of the general public by clearly setting forth those restrictions in keeping with standards and protections determined by the agencies to be in the least restrictive manner.

(2) Each state agency, including, but not limited to, those state agencies responsible for professional and occupational regulatory boards, shall ensure the appropriate restrictions necessary to protect the overall health, safety, and welfare of the general public are in place, and by December 31, 2011, and every 4 years thereafter, submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes:

(a) A list of all agency or board statutes or rules that disqualify from employment or licensure persons who have been convicted of a crime and have completed any incarceration and restitution to which they have been sentenced for such crime.

(b) A determination of whether the disqualifying statutes or rules are readily available to prospective employers and licensees.

(c) The identification and evaluation of alternatives to the disqualifying statutes or rules which protect the health, safety, and welfare of the general public without impeding the gainful employment of ex-offenders.

History.—s. 2, ch. 2011-207.

112.021 Florida residence unnecessary.—

Except as expressly provided by law, there shall be no Florida residence requirement for any person as a condition precedent to employment by any county.

History.—s. 3, ch. 69-20; s. 23, ch. 71-355; s. 25, ch. 79-190.

112.042 Discrimination in county and municipal employment; relief.—

(1) It is against the public policy of this state for the governing body of any county or municipal agency, board, commission, department, or office, solely because of the race, color, national origin, sex, handicap, or religious creed of any individual, to refuse to hire or employ, to bar, or to discharge from employment such individuals or to otherwise discriminate against such individuals with respect to compensation, hire, tenure, terms, conditions, or privileges of employment, if the individual is the most competent and able to perform the services required.

(2)(a) Any person, firm, corporation, association, or other group or body, jointly or severally, who is aggrieved by any decision, regulation, restriction, or resolution adopted by the governing body of any county or municipal agency, board, commission, or

department which is an unlawful employment practice under this section may apply to such agency, board, commission, or department at any time for a modification or rescission thereof. If such modification or rescission is refused, any such person, firm, corporation, association or other group or body may, within 30 days after such refusal, but not thereafter, institute original proceedings for relief in the circuit court of the county.

(b) There is no right to apply to the court for relief on account of any order, requirement, decision, determination, or action of any county or municipal officer pursuant to this section unless there has first been an appeal therefrom to the governing agency, board, commission, or department to which such officer is responsible.

(3) Nothing in this section shall be construed to prohibit alternative relief through local civil service systems and boards provided for in s. 14, Art. III of the State Constitution.

History.—s. 1, ch. 69-334; s. 2, ch. 84-125.

112.043 Age discrimination.—It shall be the public policy of the state that no officer or board, whether state or county, shall discriminate in the employment of any person solely on the basis of age. Persons who apply for employment with the state or any county of the state shall be selected on the basis of training, experience, mental and physical abilities, and other selection criteria established for the position. Unless age restrictions have been specifically established through published specifications for a position, available to the public, the employing authority shall give equal consideration to all applicants, regardless of age.

History.—s. 1, ch. 69-141.

112.044 Public employers, employment agencies, labor organizations; discrimination based on age prohibited; exceptions; remedy.—

(1) **LEGISLATIVE INTENT; PURPOSE.**—The Legislature finds and declares that in the face of rising productivity and affluence, older workers find themselves disadvantaged, both in their efforts to retain employment and in their efforts to regain employment when displaced from jobs. The setting of arbitrary age limits, irrespective of capability for job performance, has become a common practice, and certain otherwise desirable practices may work to the disadvantage of older persons. In comparison to the incidence of unemployment among younger workers, the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability, is high among older workers, whose numbers are great and growing and whose employment problems are grave. In industries affecting commerce, the existence of

arbitrary discrimination in employment because of age burdens commerce and the free flow of goods. It is the purpose of this act to promote employment of older persons based on ability rather than age and to prohibit arbitrary age discrimination in employment.

(2) **DEFINITIONS.**—For the purpose of this act:

(a) “Employer” means the state or any county, municipality, or special district or any subdivision or agency thereof. This definition shall not apply to any law enforcement agency or firefighting agency in this state.

(b) “Employment agency” means any person, including any agent thereof, regularly undertaking, with or without compensation, to procure employees for an employer, including state and local employment services receiving federal assistance.

(c) “Employee” means an individual employed by any employer.

(3) **PROHIBITED ACTIVITIES; EXCEPTIONS.**—

(a) Except as provided in paragraph (f), it is unlawful for an employer to:

1. Fail or refuse to hire, discharge or mandatorily retire, or otherwise discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment because of age.

2. Limit, segregate, or classify employees in any way which would deprive, or tend to deprive, any individual of employment opportunities, or otherwise adversely affect an individual’s status as an employee, because of age.

3. Reduce the wage rate of any employee or otherwise alter the terms or conditions of employment in order to comply with this act, unless such a reduction is with the employee’s express or implied consent.

(b) Except as provided in paragraph (f), it is unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of age or to classify or refer for employment any individual on the basis of age.

(c) Except as provided in paragraph (f), it is unlawful for a labor organization to:

1. Exclude or expel from its membership, or otherwise discriminate against, any individual because of age.

2. Limit, segregate, or classify its membership, or fail or refuse to refer for employment any individual, in any way which would limit, deprive, or tend to deprive the individual of employment opportunities or which would otherwise adversely affect the individual’s status as an employee or as an applicant for employment solely because of age.

3. Cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It is unlawful:

1. For an employer to discriminate against any employee or applicant for employment;
2. For an employment agency to discriminate against any individual; or
3. For a labor organization to discriminate against any member or applicant for membership,

because such employee, applicant for employment, individual, member, or applicant for membership has opposed any practice made unlawful by this section or because the employee, applicant for employment, individual, member, or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, a proceeding, or litigation under this act.

(e) Except as provided in paragraph (f), it is unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to:

1. Employment by such employer;
2. Membership in such labor organization or any classification or referral for employment by such labor organization; or
3. Any classification or referral for employment by such employment agency,

which notice or advertisement indicates any preference, limitation, specification, or discrimination based on age.

(f) It is not unlawful for an employer, employment agency, or labor organization to:

1. Take any action otherwise prohibited under paragraph (a), paragraph (b), paragraph (c), or paragraph (e), based on a bona fide occupational qualification reasonably necessary to the normal operation of the particular business.
2. Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this act.
3. Discharge or otherwise discipline an individual for good cause.

(4) **APPEAL; CIVIL SUIT AUTHORIZED.**—Any employee of the state who is within the Career Service System established by chapter 110 and who is aggrieved by a violation of this act may appeal to the Public Employees Relations Commission under the conditions and following the procedures prescribed in part II of chapter 447. Any person other than an employee who is within the Career Service System established by chapter 110, or any person employed by the Public Employees Relations Commission, who is aggrieved by a violation of this act may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this act.

(5) **NOTICE TO BE POSTED.**—Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises notices required by the United States Department of Labor and the Equal Employment Opportunity Commission.

History.—ss. 6, 7, 8, 10, 11, ch. 76-208; s. 1, ch. 77-174; s. 7, ch. 79-7; s. 31, ch. 79-190; s. 4, ch. 81-169; s. 75, ch. 86-163; s. 679, ch. 95-147; s. 5, ch. 2011-213.

112.0455 Drug-Free Workplace Act.—

(1) **SHORT TITLE.**—This section shall be known and may be cited as the “Drug-Free Workplace Act.”

(2) **PURPOSE.**—This section is intended to:

(a) Promote the goal of drug-free workplaces within government through fair and reasonable drug-testing methods for the protection of public employees and employers.

(b) Encourage employers to provide employees who have drug use problems with an opportunity to participate in an employee assistance program or an alcohol and drug rehabilitation program.

(c) Provide for confidentiality of testing results.

(3) **FINDINGS.**—The Legislature finds that:

(a) Drug use has serious adverse effects upon a significant portion of the workforce, resulting in billions of dollars of lost productivity each year and posing a threat to the workplace and to public safety and security.

(b) Maintaining a healthy and productive workforce, safe working conditions free from the effects of drugs, and quality products and services is important to employers, employees, and the general public in this state. The Legislature further finds that drug use creates a variety of workplace problems, including increased injury on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

(c) Certain drug-testing standards are necessary to protect persons participating in workplace drug-testing programs.

(d) In balancing the interests of employers, employees, and the welfare of the general public, the establishment of standards to assure fair and accurate testing for drugs in the workplace is in the best interests of all.

(4) **NO LEGAL DUTY TO TEST.**—All drug testing conducted by employers shall be in conformity with the standards established in this section and all applicable rules promulgated pursuant to this section. However, employers shall not have a legal duty under this section to request an employee or job applicant to undergo drug testing. No testing of employees shall take effect until local drug abuse assistance programs have been identified.

(5) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(a) “Drug” means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the substances listed herein.

(b) “Drug test” or “test” means any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

(c) “Initial drug test” means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens. All initial tests must use an immunoassay procedure or an equivalent, or must use a more accurate scientifically accepted method approved by the Agency for Health Care Administration as more accurate technology becomes available in a cost-effective form.

(d) “Confirmation test,” “confirmed test,” or “confirmed drug test” means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

(e) “Chain of custody” refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing specimens, and reporting of test results.

(f) “Job applicant” means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test.

(g) “Employee” means a person who works for salary, wages, or other remuneration for an employer.

(h) “Employer” means an agency within state government that employs individuals for salary, wages, or other remuneration.

(i) “Prescription or nonprescription medication” means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

(j) “Random testing” means a drug test conducted on employees who are selected through the use of a computer-generated random sample of an employer’s employees.

(k) “Reasonable suspicion drug testing” means drug testing based on a belief that an employee is

using or has used drugs in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing may not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

4. Evidence that an individual has tampered with a drug test during employment with the current employer.

5. Information that an employee has caused, or contributed to, an accident while at work.

6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

(l) “Specimen” means a tissue, hair, or product of the human body capable of revealing the presence of drugs or their metabolites.

(m) “Employee assistance program” means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

(n) “Special risk” means employees who are required as a condition of employment to be certified under chapter 633 or chapter 943.

(6) NOTICE TO EMPLOYEES.—

(a) Employers with no drug-testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug-testing program is being implemented and the beginning of actual drug testing. Employers with drug-testing programs in place prior to the effective date of this section are not required to provide a 60-day notice period.

(b) Prior to testing, all employees and job applicants for employment shall be given a written policy statement from the employer which contains:

1. A general statement of the employer’s policy on employee drug use, which shall identify:

- a. The types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis; and

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications shall be developed by the Agency for Health Care Administration.

5. The consequences of refusing to submit to a drug test.

6. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs.

7. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the employer within 5 working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by subsections (14) and (15).

8. A statement informing the employee or job applicant of his or her responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section.

9. A list of all drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names.

10. A statement regarding any applicable collective bargaining agreement or contract and the right to appeal to the Public Employees Relations Commission.

11. A statement notifying employees and job applicants of their right to consult the testing laboratory for technical information regarding prescription and nonprescription medication.

(c) An employer shall include notice of drug testing on vacancy announcements for those positions where drug testing is required. A notice of the employer's drug-testing policy shall also be posted in an appropriate and conspicuous location on the employer's premises, and copies of the policy shall be made available for inspection by the general public during regular business hours in the employer's personnel office or other suitable locations.

(7) **TYPES OF TESTING.**—Drug testing must be conducted within each agency's appropriation. An employer may conduct, but is not required to conduct, the following types of drug tests:

(a) *Job applicant testing.*—An employer may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.

(b) *Reasonable suspicion.*—An employer may require an employee to submit to reasonable suspicion drug testing.

(c) *Random testing.*—An employer may conduct random testing once every 3 months. The random sample of employees chosen for testing must be computer-generated by an independent third party. A random sample may not constitute more than 10 percent of the total employee population.

(d) *Routine fitness for duty.*—An employer may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.

(e) *Followup testing.*—If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employer may require the employee to submit to a drug test as a followup to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.

(8) **PROCEDURES AND EMPLOYEE PROTECTION.**—All specimen collection and testing for drugs under this section shall be performed in accordance with the following procedures:

(a) A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.

(b) Specimen collection shall be documented, and the documentation procedures shall include:

1. Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results.

2. A form for the employee or job applicant to provide any information he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information. Such form shall provide notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. The providing of information does not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed results.

(c) Specimen collection, storage, and transportation to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration.

(d) Each initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, shall be conducted by a licensed laboratory as described in subsection (12).

(e) A specimen for a drug test may be taken or collected by any of the following persons:

1. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.

2. A qualified person employed by a licensed laboratory.

(f) A person who collects or takes a specimen for a drug test conducted pursuant to this section shall collect an amount sufficient for two drug tests as determined by the Agency for Health Care Administration.

(g) Any drug test conducted or requested by an employer may occur before, during, or immediately after the regular work period of the employee, and shall be deemed to be performed during work time for the purposes of determining compensation and benefits for the employee.

(h) Every specimen that produces a positive confirmed result shall be preserved by the licensed laboratory that conducts the confirmation test for a period of at least 210 days from the time the results of the positive confirmation test are mailed or otherwise delivered to the employer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

(i) Within 5 working days after receipt of a positive confirmed test result from the testing laboratory, an employer shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.

(j) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(k) Within 5 working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to an employer explaining or contesting the test results, and why the results do not constitute a violation of the employer's policy.

(l) If an employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the employer, a written explanation as to why the employee or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the employer to the employee or job applicant. All such documentation shall be kept confidential and exempt from the provisions of s. 119.07(1) by the employer pursuant to subsection (11) and shall be retained by the employer for at least 1 year.

(m) An employer may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.

(n) Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

(o) An employer may not discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant, on the basis of any prior medical history revealed to the employer pursuant to this section.

(p) An employer who performs drug testing or specimen collection shall use chain-of-custody procedures as established by the Agency for Health Care Administration to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(q) An employer shall pay the cost of all drug tests, initial and confirmation, which the employer requires of employees.

(r) An employee or job applicant shall pay the costs of any additional drug tests not required by the employer.

(s) An employer may not discharge, discipline, or discriminate against an employee solely upon voluntarily seeking treatment, while under the employ of the employer, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. However, special risk employees may be subject to discharge or disciplinary action when the presence of illicit drugs, pursuant to s. 893.13, is confirmed.

(t) If testing is conducted based on reasonable suspicion, each employer shall promptly detail in writing the circumstances which formed the basis of

the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential and exempt from the provisions of s. 119.07(1) by the employer pursuant to subsection (11) and retained by the employer for at least 1 year.

(u) If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave-without-pay status, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay. Upon successful completion of an employee assistance program or an alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

(9) CONFIRMATION TESTING.—

(a) If an initial drug test is negative, the employer may in its sole discretion and at the employer's expense seek a confirmation test.

(b) Only licensed laboratories as described in subsection (12) shall conduct confirmation drug tests.

(c) All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration as such technology becomes available in a cost-effective form.

(10) EMPLOYER PROTECTION.—

(a) No employee or job applicant whose drug test result is confirmed as positive in accordance with the provisions of this section shall, by virtue of the result alone, be defined as a person with a "handicap" as cited in the 1973 Rehabilitation Act.

(b) An employer who discharges or disciplines an employee or refuses to hire a job applicant in compliance with this section shall be considered to have discharged, disciplined, or refused to hire for cause.

(c) No physician-patient relationship is created between an employee or job applicant and an employer or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug-testing program.

(d) Nothing in this section shall be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(e) Nothing in this section shall be construed to operate retroactively.

(f) If an employee or job applicant refuses to submit to a drug test, the employer shall not be barred

from discharging or disciplining the employee, or from refusing to hire the job applicant. However, nothing in this paragraph shall abrogate the rights and remedies of the employee or job applicant as otherwise provided in this section.

(g) An employer who refuses to hire a job applicant based on a positive confirmed drug test result shall not be required to hold the employment position vacant while the job applicant pursues administrative action. However, should the job applicant prevail in the actions, the employer shall provide him or her the opportunity of employment in the next available comparable position.

(h) An employer may discharge or discipline an employee following a first-time positive confirmed drug test result. If the employer does not discharge the employee, the employer may refer the employee to an employee assistance program or an alcohol and drug rehabilitation program in which the employee may participate at the expense of the employee or pursuant to a health insurance plan.

1. If an employer refers an employee to an employee assistance program or an alcohol and drug rehabilitation program, the employer must determine whether the employee is able to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

2. An employee whose assigned duties require the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, hold a position subject to s. 110.1127, or hold a position in which a momentary lapse in attention could result in injury or death to another person, is deemed unable to safely and effectively perform the job duties assigned to the employee while the employee participates in the employee assistance program or the alcohol and drug rehabilitation program.

3. If an employer refers an employee to an employee assistance program or an alcohol and drug rehabilitation program and the employer determines that the employee is unable, or the employee is deemed unable, to safely and effectively perform the job duties assigned to the employee before he or she completes the employee assistance program or the alcohol and drug rehabilitation program, the employer shall place the employee in a job assignment that the employer determines the employee can safely and effectively perform while participating in the employee assistance program or the alcohol and drug rehabilitation program.

4. If a job assignment in which the employee may safely and effectively perform is unavailable, the employer shall place the employee on leave status while the employee is participating in an employee assistance program or an alcohol and drug rehabilitation program. If placed on leave status without pay, the employee may use accumulated leave credits before being placed on leave without pay.

(i) This section does not prohibit an employer from conducting medical screening or other tests required by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or tests shall be limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests.

(11) CONFIDENTIALITY.—

(a) Except as otherwise provided in this subsection, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section.

(b) Employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

1. The name of the person who is authorized to obtain the information.
2. The purpose of the disclosure.
3. The precise information to be disclosed.
4. The duration of the consent.
5. The signature of the person authorizing release of the information.

(c) Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding.

(d) Nothing herein shall be construed to prohibit certifying bodies of special risk employees from receiving information on positive confirmed drug test results for the purpose of reviewing certification.

(e) Nothing herein shall be construed to prohibit the employer, agent of the employer, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or where the information is relevant to its defense in a civil or administrative matter.

(12) DRUG-TESTING STANDARDS; LABORATORIES.—

(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this section and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to this section. A license issued by the agency is required in order to operate a laboratory.

(b) A laboratory may analyze initial or confirmation drug specimens only if:

1. The laboratory is licensed and approved by the Agency for Health Care Administration using criteria established by the United States Department of Health and Human Services as general guidelines for modeling the state drug testing program and in accordance with part II of chapter 408. Each applicant for licensure and licensee must comply with all requirements of part II of chapter 408.

2. The laboratory has written procedures to ensure chain of custody.

3. The laboratory follows proper quality control procedures, including, but not limited to:

a. The use of internal quality controls including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.

c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.

d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(c) A laboratory shall disclose to the employer a written test result report within 7 working days after receipt of the sample. All laboratory reports of a drug test result shall, at a minimum, state:

1. The name and address of the laboratory which performed the test and the positive identification of the person tested.

2. Positive results on confirmation tests only, or negative results, as applicable.

3. A list of the drugs for which the drug analyses were conducted.

4. The type of tests conducted for both initial and confirmation tests and the minimum cutoff levels of the tests.

5. Any correlation between medication reported by the employee or job applicant pursuant to subparagraph (8)(b)2. and a positive confirmed drug test result.

No report shall disclose the presence or absence of any drug other than a specific drug and its metabolites listed pursuant to this section.

(d) The laboratory shall submit to the Agency for Health Care Administration a monthly report with statistical information regarding the testing of employees and job applicants. The reports shall include information on the methods of analyses conducted, the drugs tested for, the number of positive and negative results for both initial and confirmation tests, and any other information deemed appropriate by the Agency for Health Care Administration. No monthly report shall identify specific employees or job applicants.

(e) Laboratories shall provide technical assistance to the employer, employee, or job applicant for the purpose of interpreting any positive confirmed test results which could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

(13) RULES.—

(a) The Agency for Health Care Administration may adopt additional rules to support this law and part II of chapter 408, using criteria established by the United States Department of Health and Human Services as general guidelines for modeling drug-free workplace laboratories, concerning, but not limited to:

1. Standards for drug-testing laboratory licensing and denial, suspension, and revocation of a license.
2. Urine, hair, blood, and other body specimens and minimum specimen amounts which are appropriate for drug testing, not inconsistent with other provisions established by law.
3. Methods of analysis and procedures to ensure reliable drug-testing results, including standards for initial tests and confirmation tests, not inconsistent with other provisions established by law.
4. Minimum cutoff detection levels for drugs or their metabolites for the purposes of determining a positive test result, not inconsistent with other provisions established by law.
5. Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens being tested, not inconsistent with other provisions established by law.
6. Retention, storage, and transportation procedures to ensure reliable results on confirmation tests and retests.
7. A list of the most common medications by brand name or common name, as applicable, as well

as by chemical name, which may alter or affect a drug test.

(b) The following standards and procedures are established related to hair testing:

1. Hair cutoff levels for initial drug-screening tests.—The following initial cutoff levels must be used when screening hair specimens to determine whether they are negative for these drugs or their metabolites:

- a. Marijuana: 10 pg/10 mg of hair;
- b. Cocaine: 5 ng/10 mg of hair; and
- c. Opiate/synthetic narcotics and metabolites: 5 ng/10 mg of hair. For the purpose of this section, opiate and metabolites include the following:
 - (I) Codeine;
 - (II) Heroin, monoacetylmorphine (heroin metabolites);
 - (III) Morphine;
- d. Phencyclidine: 3 ng/10 mg of hair; and
- e. Amphetamines: 5 ng/10 mg of hair. For the purpose of this section, amphetamines include the following:

- (I) Amphetamines;
 - (II) Methamphetamine;
2. Hair cutoff levels for drug confirmation testing.—

a. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry (GC/MS), mass spectrometry/mass spectrometry (MS/MS) at the following cutoff levels for these drugs on their metabolites. All confirmations must be by quantitative analysis.

- (I) Marijuana metabolites: 1 pg/10 mg of hair (Delta-9-tetrahydrocannabinol-0-carboxylic acid).
 - (II) Cocaine: must be at or above 5 ng/10 mg of hair. Cocaine metabolites if present will be recorded at the following minimum levels:
 - (A) Benzoylcegonine at 1 ng/10 mg of hair; and
 - (B) Cocaethlyene at 1 ng/10 mg of hair.
 - (III) Opiate/synthetic narcotics and metabolites: 5 ng/10 mg of hair; opiate and metabolites include the following:
 - (A) Codeine;
 - (B) 6-Monoacetylmorphine (heroin metabolite);
- and
- (C) Morphine.
 - (IV) Phencyclidine: 3 ng/10 mg of hair.
 - (V) Amphetamines: 5 ng/10 mg of hair. For the purpose of this section, amphetamines include the following:
 - (A) Amphetamines; and
 - (B) Methamphetamines.

b. All hair specimens undergoing confirmation must be decontaminated using a wash procedure which has been published in the peer-reviewed literature which, as a minimum, has an initial 15-minute

organic solvent wash followed by multiple (minimum of three) 30-minute aqueous washes.

c. After hair is washed, the drug entrapped in the hair is released either by digestion (chemical or enzymatic) or by multiple solvent extractions. The resulting digest or pooled solvent extracts are then screened and confirmed by approved methods.

d. All confirmation analysis methods must eliminate the melanin fraction of the hair before analysis. If a nondigestion method is used, the laboratory must present published data in the peer-reviewed literature from a large population study which indicates that the method of extraction does not possess a statistically significant hair-color bias.

e. Additional hair samples may be collected to reconfirm the initial report. The recollected sample shall be retested as specified; however, the confirmation analysis must be performed even if the screening test is negative. A second positive report must be made if the drug concentration in the digest by confirmation methods exceeds the limit of quantitation of the testing laboratory's method. A second test must be offered to anyone disputing a positive hair test result.

3. Hair specimen collection procedures.—

a. Designation of collection site.—Each drug-testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of hair specimens to a licensed drug-testing facility.

b. Security.—While security is important with any collection, in the case of hair, only the temporary storage area in the designated collection site needs to be secure.

c. Chain of custody.—Chain-of-custody standardized forms shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of hair specimens from one authorized individual or place to another shall always be accomplished through chain-of-custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

d. Access to authorized personnel only.—The hair collection site need be off limits to unauthorized personnel only during the actual collection of specimens.

e. Privacy.—Procedures for collecting hair should be performed on one individual at a time to prevent substitutions or interference with the collection of reliable samples. Procedures must ensure that the hair collection does not infringe on the individual's privacy.

f. Integrity and identity of specimen.—Precautions must be taken to ensure that the root end of a hair specimen is indicated for the laboratory which performs the testing. The maximum length of hair that

shall be tested is 3.9 cm distal from the head, which on average represents a 3-month time window. The following minimum precautions must be taken when collecting a hair specimen to ensure that specimens are obtained and correctly identified:

(I) When an individual arrives at the collection site, the collection site personnel shall request the individual to present photo identification. If the individual does not have proper photo identification, the collection site personnel shall contact the supervisor of the individual, the coordinator of the drug testing program, or any other employer official who can positively identify the individual. If the individual's identity cannot be established, the collection site personnel shall not proceed with the collection.

(II) If the individual fails to arrive at the assigned time, the collection site personnel shall contact the appropriate authority to obtain guidance on the action to be taken.

(III) The collection site personnel shall note any unusual behavior or appearance on the chain-of-custody form.

(IV) Hair shall be cut as close to the scalp or body, excluding the pubic area, as possible. Upon taking the specimen from the individual, the collection site personnel shall determine that it contains approximately $\frac{1}{2}$ -inch of hair when fanned out on a ruler (about 40 mg of hair).

(V) Both the individual being tested and the collection site personnel shall keep the specimen in view at all times prior to the specimen container being sealed with a tamper-resistant seal and labeled with the individual's specimen number and other required information.

(VI) The collection site personnel shall label the container which contains the hair with the date, the individual's specimen number, and any other identifying information provided or required by the drug-testing program.

(VII) The individual shall initial the container for the purpose of certifying that it is the specimen collected from the individual.

(VIII) The collection site personnel shall indicate on the chain-of-custody form all information identifying the specimen. The collection site personnel shall sign the chain-of-custody form next to the identifying information or the chain of custody on the specimen container.

(IX) The individual must be asked to read and sign a statement certifying that the specimen identified as having been collected from the individual is in fact that specimen the individual provided.

(X) The collection site personnel shall complete the chain-of-custody form.

g. Collection control.—To the maximum extent possible, collection site personnel shall keep the individual's specimen container within sight both before

and after collection. After the specimen is collected, it must be properly sealed and labeled. An approved chain-of-custody form must be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose must be documented on an approved chain-of-custody form each time a specimen is handled or transferred, and every individual in the chain must be identified. Every effort must be made to minimize the number of persons handling specimens.

h. Transportation to the testing facility.—

Collection site personnel shall arrange to transport the collected specimens to the drug-testing facility. The specimens shall be placed in containers which shall be securely sealed to eliminate the possibility of undetected tampering. The collection site personnel shall ensure that the chain-of-custody documentation is sealed separately from the specimen and placed inside the container sealed for transfer to the drug-testing facility.

4. Quality assurance and quality control.—

a. Quality assurance.—Testing facilities shall have a quality assurance program which encompasses all aspects of the testing process, including, but not limited to, specimen acquisition, chain of custody, security and reporting of results, initial and confirmatory testing, and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs.

b. Quality control.—

(I) Each analytical run of specimens to be screened shall include:

(A) Hair specimens certified to contain no drug;

(B) Hair specimens fortified with known standards; and

(C) Positive controls with the drug or metabolite at or near the threshold (cutoff).

(II) In addition, with each batch of samples, a sufficient number of standards shall be included to ensure and document the linearity of the assay method over time in the concentration area of the cutoff. After acceptable values are obtained for the known standards, those values must be used to calculate sample data. Implementation of procedures to ensure that carryover does not contaminate the testing of an individual's specimen must be documented. A minimum of 5 percent of all test samples must be quality control specimens. The testing facility's quality control samples, prepared from fortified hair samples of determined concentration, must be included in the run and must appear as normal samples to drug-screen testing facility analysis. One percent of each run, with a minimum of at least one sample, must be the testing facility's own quality control samples.

5.a. Proficiency testing.—

(I) Each hair drug-testing facility shall enroll and demonstrate satisfactory performance in a proficiency-testing program established by an independent group.

(II) The drug-testing facility shall maintain records which document the handling, processing, and examination of all proficiency-testing samples for a minimum of 2 years from the date of testing.

(III) The drug-testing facility shall ensure that proficiency-testing samples are analyzed at least three times each year using the same techniques as those employed for unknown specimens.

(IV) The proficiency-testing samples must be included with the routine sample run and tested with the same frequency as unknown samples by the individuals responsible for testing unknown specimens.

(V) The drug-testing facility may not engage in discussions or communications concerning proficiency-testing results with other drug-testing facilities, nor may they send proficiency-testing samples or portions of the samples to another drug-testing facility for analysis.

b. Satisfactory performance.—

(I) The drug-testing facility shall maintain an overall testing-event score equivalent to passing proficiency scores for other drug-testing matrices.

(II) Failure to participate in a proficiency-testing event shall result in a score of 0 percent for that testing event.

c. Unsuccessful performance.—Failure to achieve satisfactory performance in two consecutive testing events, or two out of three consecutive testing events, is determined to be unsuccessful performance.

(c) The Department of Management Services may adopt rules for all executive branch agencies implementing this section.

(d) The State Courts Administrator may adopt rules for the state courts system implementing this section.

(e) The Justice Administrative Commission may adopt rules on behalf of the state attorneys and public defenders of Florida, the capital collateral regional counsel, and the Judicial Qualifications Commission.

(f) The President of the Senate and the Speaker of the House of Representatives may adopt rules, policies, or procedures for the employees and members of the legislative branch implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The

notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on the appeal shall be conducted within 30 days of the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an arbitrator.

(b) The commission shall promulgate rules concerning the receipt, processing, and resolution of appeals filed pursuant to this section.

(c) Appeals to the commission shall be the exclusive administrative remedy for any employee who is disciplined or any job applicant who is not hired pursuant to this section, notwithstanding the provisions of chapter 120. However, nothing in this subsection shall affect the right of an employee or job applicant to file a collective bargaining grievance pursuant to s. 447.401 provided that an employee or job applicant may not file both an appeal and a grievance.

(d) An employee or a job applicant who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeal process or collective bargaining grievance-arbitration process.

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.
2. Order compliance with paragraph (10)(g).
3. Award back pay and benefits.
4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney's fees, and expert witness fees.

(15) NONDISCIPLINE REMEDIES.—

(a) Any person alleging a violation of the provisions of this section, that is not remediable by the commission or an arbitrator pursuant to subsection (14), must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be barred from obtaining the following relief. Relief is limited to:

1. An order restraining the continued violation of this section.
2. An award of the costs of litigation, expert witness fees, reasonable attorney's fees, and noneconomic damages provided that damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

(b) Any employer who complies with the provisions of this section shall be without liability from

all civil actions arising from any drug testing program or procedure performed in compliance with this section.

(c) Pursuant to any claim alleging a violation of this section, including a claim under this section where it is alleged that an employer's action with respect to a person was based on an incorrect test result, there shall be a rebuttable presumption that the test was valid if the employer complied with the provisions of this section.

(d) No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug testing.

(16) FEDERAL COMPLIANCE.—The drug-testing procedures provided in this section do not apply where the specific work performed requires employees or job applicants to be subject to drug testing pursuant to:

(a) Federal regulations that specifically preempt state and local regulation of drug testing with respect to such employees and job applicants;

(b) Federal regulations or requirements enacted or implemented in connection with the operation of federally regulated facilities;

(c) Federal contracts where the drug testing is conducted for safety, or protection of sensitive or proprietary data or national security; or

(d) State agency rules that adopt federal regulations applicable to the interstate component of a federally regulated activity.

(17) LICENSE FEE.—Fees from licensure of drug-testing laboratories shall be sufficient to carry out the responsibilities of the Agency for Health Care Administration for the regulation of drug-testing laboratories. In accordance with s. 408.805, applicants and licensees shall pay a fee for each license application submitted under this part, part II of chapter 408, and applicable rules. The fee shall be not less than \$16,000 or more than \$20,000 per biennium and shall be established by rule.

History.—s. 1, ch. 89-173; s. 1, ch. 90-238; s. 25, ch. 90-360; s. 1, ch. 91-201; s. 6, ch. 91-279; s. 4, ch. 91-429; s. 40, ch. 92-279; s. 55, ch. 92-326; s. 7, ch. 93-129; s. 2, ch. 95-119; s. 680, ch. 95-147; s. 1, ch. 96-289; s. 32, ch. 96-406; s. 7, ch. 98-136; ss. 5, 71, ch. 98-171; s. 53, ch. 2000-349; s. 25, ch. 2001-53; s. 2, ch. 2001-67; s. 148, ch. 2001-277; s. 37, ch. 2004-267; s. 11, ch. 2006-1; s. 7, ch. 2007-217; s. 1, ch. 2007-230; s. 1, ch. 2012-8; s. 7, ch. 2016-10; s. 23, ch. 2016-145.

112.046 Political party committee membership allowed.—Notwithstanding any other provision of law, an officer or employee of the state or any political subdivision may also serve as a member of the state executive committee or county executive committee of a political party. No person shall be required to resign from public office or employment, nor shall any person be fired or removed from such public office or employment, because of membership on such a committee prior to June 25, 1980.

History.—s. 3, ch. 80-207; s. 681, ch. 95-147.

112.048 Voluntary retirement with half pay authorized for elective officers of cities or towns; appropriation.—

(1) The intent of the Legislature is to authorize and direct each city and town to provide a system of retirement for elected officials, but it is further the intent that each city or town may determine whether the system will be contributory or noncontributory.

(2)(a) From and after June 3, 1939, whenever any elective officer of any city or town of this state has held any elective office of such city or town for a period of 20 years or more consecutively, or for a period of 20 years or more consecutively, except for one period not exceeding 6 months, such elective officer may voluntarily resign or retire from such elective office with the right to be paid on the officer's own requisition by such city or town during the remainder of his or her natural life a sum equal to one-half of the full amount of the annual or monthly salary that such city or town was authorized by law to pay said elective officer at the time of resignation or retirement; and such city and town shall appropriate and provide in its annual budget sufficient moneys to meet the requirements of this section when no other plan is available for elected local officials. In cases in which an elective officer during any term of office entered or enters and served or serves in the Armed Forces of the United States during any period during which the United States was or shall be engaged in war and thereafter was or shall be appointed or again elected to the same elective office prior to discharge from such service in the Armed Forces, such time of service in the Armed Forces shall not be construed to be a break in consecutive service and shall be counted in determining the years of consecutive service of such elective officer.

(b) The provisions of this subsection shall not operate to preclude any elected officer from retiring under, and receiving benefits pursuant to, the provisions of this section as it existed prior to October 1, 1973, if such officer had, prior to that date, completed the required 20 years of service or been elected to a term upon the expiration of which he or she completes the required 20 years of service. However, if on October 1, 1973, an elected officer had completed at least 10 of the required 20 years of service, the city or town may elect to provide an annual or monthly retirement salary as provided in this subsection.

(3) Each city or town may by ordinance establish a contributory retirement system for those officials defined in subsection (2). The rules for participation, the amount of the official's contributions, and the method of appropriation and payment may be determined by ordinance of the city or town.

History.—s. 1, ch. 19247, 1939; CGL 1940 Supp. 2998(1); s. 1, ch. 57-805; s. 1, ch. 65-455; s. 1, ch. 72-280; s. 4, ch. 73-129; s. 1, ch. 74-231; s. 1, ch. 84-351; s. 682, ch. 95-147.

Note.—Former ss. 165.25, 121.20.

112.05 Retirement; cost-of-living adjustment; employment after retirement.—

(1)(a) Whenever any state official or state employee has attained the age of 70 years or more and has served the state as either an official or employee, or both, for as much as 20 consecutive years or more or for an aggregate time of 30 years or more, or whenever any state official or employee, irrespective of age, has served the state as either an official or employee, or both, for 30 consecutive years or more, or for as much as an aggregate of 35 years or more, such official or employee may retire from office as such official or employee with the right to be paid, and shall be paid monthly on his or her own requisition during the remainder of his or her natural life one-half the amount of the average monthly salary received during the last 10 years of such service; and sufficient money to meet the requirements of this section is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated. Provided, that military service in the Armed Forces of the United States shall be computed as a part of the time specified hereinabove as entitling a state official or employee to the benefits of this section. This section shall apply only to persons retired or persons who are on a state payroll June 30, 1953, and remain continuously on a state payroll until eligible to retire. This section shall not affect any state official or employee who has already retired under any retirement act, except that no Cabinet officer qualifying shall receive less than \$4,500 per year.

(b)1. Any state official or state employee who, as of January 1, 1976, has served the state as either an official or employee, or both, for 29 consecutive years, irrespective of age, and who has a terminal or critical illness, which illness is certified by two physicians licensed in this state as terminal or critical, shall be eligible for early retirement. The benefits accruing to any such person under this section shall be reduced by five-twelfths of 1 percent for each complete month by which such retirement precedes the 30 years of service required under paragraph (a).

2. Any state official or employee eligible to retire pursuant to the provisions of this paragraph may retire from office as such official or employee with the right to be paid, and shall be paid monthly on his or her own requisition, during the remainder of his or her natural life, one-half the amount of the average monthly salary received during the last 10 years of service, less the actuarial reduction provided for in subparagraph 1.

(c) Upon the death of a retired state officer or employee receiving monthly benefits under this section, the monthly benefits shall be paid through the last day of the month of death and shall terminate on that date.

(2) An annual cost-of-living adjustment shall be made to the monthly benefit payable to retirees who

are retired under this section pursuant to the provisions of s. 121.101.

(3) Any person who is retired under this section may be employed by an employer who does not participate in a state-administered retirement system and may receive compensation from such employment without limiting or restricting in any way the retirement benefits payable to such person.

(4)(a) Any person who is retired under this section may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his or her employer without limitation, except that no person may receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement.

(b) Any person to whom the limitation in paragraph (a) applies who violates such reemployment limitation and is reemployed with any agency participating in the Florida Retirement System prior to completion of the 12-month limitation period shall give timely notice of this fact in writing to the employer and to the division; and the person's retirement benefits shall be suspended for the balance of the 12-month limitation period. Any person employed in violation of this subsection and any employing agency which knowingly employs or appoints such person without notifying the Department of Management Services to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. To avoid liability, such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system. Any retirement benefits received by such person while reemployed during this limitation period shall be repaid to the retirement trust fund, and the retirement benefits shall remain suspended until such repayment has been made. Any benefits suspended beyond the reemployment limitation period shall apply toward the repayment of benefits received in violation of the reemployment limitation.

(c) An employer, upon employment of any person who has been retired under a state-administered retirement program, shall pay retirement contributions in an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for a regular member of the Florida Retirement System.

(d) The limitations of this subsection apply to reemployment in any capacity with an employer as defined in s. 121.021(10), irrespective of the category of funds from which the person is compensated.

History.—s. 1, ch. 12293, 1927; CGL 242; s. 1, ch. 17274, 1935; s. 1, ch. 20499, 1941; s. 1, ch. 22828, 1945; ss. 1, chs. 28147, 28148, 1953; s. 1, ch. 74-303; s. 1, ch. 76-212; s. 1, ch. 80-126; s. 2,

ch. 80-130; s. 1, ch. 81-307; s. 31, ch. 83-217; s. 19, ch. 84-266; s. 1, ch. 90-274; s. 3, ch. 95-146; s. 683, ch. 95-147; s. 1, ch. 96-368; s. 12, ch. 99-255.

Note.—Former s. 121.001.

112.0501 Ratification of certain dual retirements.—

(1) Any state employee who was permitted by the Comptroller, as administrator of the retirement provisions of s. 112.05 and chapter 122, to retire under the provisions of both such statutes prior to April 23, 1969, when the Attorney General ruled that such dual retirements are prohibited by s. 122.10(3), as recodified by the Legislature in 1965, shall receive and enjoy the retirement benefits awarded upon retirement, the provisions of s. 122.10(3) to the contrary notwithstanding.

(2) The exceptions granted to state retirees coming under the provisions of subsection (1) shall not apply to any state employee retiring subsequent to November 1, 1970, and the administrator of the Florida Retirement System is hereby directed to establish such rules and procedures as may be necessary to prohibit such dual retirements for members of the Florida Retirement System or any retirement system consolidated therein pursuant to s. 121.011(2).

History.—s. 1, ch. 72-202; s. 684, ch. 95-147.

112.0515 Retirement or pension rights unaffected by consolidation or merger of governmental agencies.—

It is hereby declared to be the policy of this state that in any consolidation or merger of governments or the transfer of functions between units of governments either at the state or local level or between state and local units, the rights of all public employees in any retirement or pension fund shall be fully protected. No consolidation or merger of governments or governmental services, either state or local, accomplished in this state shall diminish or impair the rights of any public employee in any retirement or pension fund or plan which existed at the date of such consolidation or merger and in which the employee was participating, nor shall such consolidation or merger result in any impairment or reduction in benefits or other pension rights accruing to such employee.

History.—s. 1, ch. 72-210.

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(1) **LEGISLATIVE INTENT.**—To prevent inequities, conflicts, inconsistencies, and lapses in the numerous laws regulating or attempting to regulate travel expenses of public officers, employees, and authorized persons in the state, it is the intent of the Legislature:

(a) To establish standard travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid by a public agency.

(b) To preserve the standardization established by this law:

1. The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

2. The provisions of any special or local law, present or future, shall prevail over any conflicting provisions in this section, but only to the extent of the conflict.

(2) DEFINITIONS.—For the purposes of this section, the following words shall have the meanings indicated:

(a) Agency or public agency—Any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

(b) Agency head or head of the agency—The highest policymaking authority of a public agency, as herein defined.

(c) Officer or public officer—An individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

(d) Employee or public employee—An individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to an agency head.

(e) Authorized person—

1. A person other than a public officer or employee as defined herein, whether elected or commissioned or not, who is authorized by an agency head to incur travel expenses in the performance of official duties.

2. A person who is called upon by an agency to contribute time and services as consultant or adviser.

3. A person who is a candidate for an executive or professional position.

(f) Traveler—A public officer, public employee, or authorized person, when performing authorized travel.

(g) Travel expense, traveling expenses, necessary expenses while traveling, actual expenses while traveling, or words of similar nature—The usual ordinary and incidental expenditures necessarily incurred by a traveler.

(h) Common carrier—Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.

(i) Travel day—A period of 24 hours consisting of four quarters of 6 hours each.

(j) Travel period—A period of time between the time of departure and time of return.

(k) Class A travel—Continuous travel of 24 hours or more away from official headquarters.

(l) Class B travel—Continuous travel of less than 24 hours which involves overnight absence from official headquarters.

(m) Class C travel—Travel for short or day trips where the traveler is not away from his or her official headquarters overnight.

(n) Foreign travel—Travel outside the United States.

(3) AUTHORITY TO INCUR TRAVEL EXPENSES.—

(a) All travel must be authorized and approved by the head of the agency, or his or her designated representative, from whose funds the traveler is paid. The head of the agency shall not authorize or approve such a request unless it is accompanied by a signed statement by the traveler's supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.

(b) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed by this section.

(c) Travel by public officers or employees serving temporarily in behalf of another agency or partly in behalf of more than one agency at the same time, or authorized persons who are called upon to contribute time and services as consultants or advisers, may be authorized by the agency head. Complete explanation and justification must be shown on the travel expense voucher or attached thereto.

(d) Travel expenses of public employees for the sole purpose of taking merit system or other job placement examinations, written or oral, shall not be allowed under any circumstances, except that upon prior written approval of the agency head or his or her designee, candidates for executive or professional positions may be allowed travel expenses pursuant to this section.

(e) Travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering, or supporting the implementation, organization, direction,

coordination, or administration of, activities related to or involving travel to a terrorist state shall not be allowed under any circumstances. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

(f) The agency head, or a designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)" and incidental expenses as provided in this section.

(g) A traveler who becomes sick or injured while away from his or her official headquarters and is therefore unable to perform the official business of the agency may continue to receive subsistence as provided in subsection (6) during this period of illness or injury until such time as he or she is able to perform the official business of the agency or returns to his or her official headquarters, whichever is earlier. Such subsistence may be paid when approved by the agency head or his or her designee.

(h) The State Surgeon General or a designee may authorize travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health. The Department of Health may establish rates lower than the rate provided in this section for these travel expenses.

(4) OFFICIAL HEADQUARTERS.—The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located except that:

(a) The official headquarters of a person located in the field shall be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of over 30 continuous workdays, such city or town shall be deemed to be the employee's official headquarters, and he or she shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.

(c) A traveler may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but any time lost from regular duties shall be taken as annual leave and authorized in the usual manner. The traveler shall not be reimbursed for travel expenses in excess of the established rate for per diem allowable had he or she remained at his or her

assigned post. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days, he or she shall be entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her home in addition to pay and allowances otherwise provided.

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.—For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast—When travel begins before 6 a.m. and extends beyond 8 a.m.

2. Lunch—When travel begins before 12 noon and extends beyond 2 p.m.

3. Dinner—When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Chief Financial Officer shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or

conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or
2. If actual expenses exceed \$80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast - \$6
2. Lunch - \$11
3. Dinner - \$19

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(7) TRANSPORTATION.—

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his or her own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The agency head or his or her designee shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

1. The nature of the business.
2. The most efficient and economical means of travel (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or subsistence required). When it is more efficient and economical to either the traveler or the agency head, jet service offered by any airline, whether on state contract or not, may be used when the cost is within an approved threshold determined by the agency head or his or her designee.

3. The number of persons making the trip and the amount of equipment or material to be transported.

(b) The Department of Financial Services may provide any form it deems necessary to cover travel requests for traveling on official business and when paid by the state.

(c) Transportation by common carrier when traveling on official business and paid for personally by the traveler, shall be substantiated by a receipt therefor. Federal tax shall not be reimbursable to the traveler unless the state and other public agencies are also required by federal law to pay such tax. In the event transportation other than the most economical class as approved by the agency head is provided by a common carrier on a flight check or credit card, the charges in excess of the most economical class shall

be refunded by the traveler to the agency charged with the transportation provided in this manner.

(d)1. The use of privately owned vehicles for official travel in lieu of publicly owned vehicles or common carriers may be authorized by the agency head or his or her designee. Whenever travel is by privately owned vehicle:

- a. A traveler shall be entitled to a mileage allowance at a rate of 44.5 cents per mile; or
- b. A traveler shall be entitled to the common carrier fare for such travel if determined by the agency head to be more economical.

2. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph, except as provided in subsection (8).

3. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

(e) Transportation by chartered vehicles when traveling on official business may be authorized by the agency head when necessary or where it is to the advantage of the agency, provided the cost of such transportation does not exceed the cost of transportation by privately owned vehicle pursuant to paragraph (d).

(f) The agency head or his or her designee may grant monthly allowances in fixed amounts for use of privately owned automobiles on official business in lieu of the mileage rate provided in paragraph (d). Allowances granted pursuant to this paragraph shall be reasonable, taking into account the customary use of the automobile, the roads customarily traveled, and whether any of the expenses incident to the operation, maintenance, and ownership of the automobile are paid from funds of the agency or other public funds. Such allowance may be changed at any time, and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter. The statement shall show the places and distances for an average typical month's travel on official business, and the amount that would be allowed under the approved rate per mile for the travel shown in the statement, if payment had been made pursuant to paragraph (d).

(g) No contract may be entered into between a public officer or employee, or any other person, and a public agency, in which a depreciation allowance is used in computing the amount due by the agency to the individual for the use of a privately owned vehicle

on official business; provided, any such existing contract shall not be impaired.

(h) No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for the fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.

(8) OTHER EXPENSES.—

(a) The following incidental travel expenses of the traveler may be reimbursed:

1. Taxi fare.
2. Ferry fares; and bridge, road, and tunnel tolls.
3. Storage or parking fees.
4. Communication expense.
5. Convention registration fee while attending a

convention or conference which will serve a direct public purpose with relation to the public agency served by the person attending such meetings. A traveler may be reimbursed the actual and necessary fees for attending events which are not included in a basic registration fee that directly enhance the public purpose of the participation of the agency in the conference. Such expenses may include, but not be limited to, banquets and other meal functions. It shall be the responsibility of the traveler to substantiate that the charges were proper and necessary. However, any meals or lodging included in the registration fee will be deducted in accordance with the allowances provided in subsection (6).

(b) Other expenses which are not specifically authorized by this section may be approved by the Department of Financial Services pursuant to rules adopted by it. Expenses approved pursuant to this paragraph shall be reported by the Department of Financial Services to the Auditor General annually.

(9) RULES.—

(a) The Department of Financial Services shall adopt such rules, including, but not limited to, the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, and prescribe such forms as are necessary to effectuate the purposes of this section. The department may also adopt rules prescribing the proper disposition and use of promotional items and rebates offered by common carriers and other entities in connection with travel at public expense; however, before adopting such rules, the department shall consult with the appropriation committees of the Legislature.

(b) Each state agency shall adopt such additional specific rules and specific criteria to be used by it to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, not in conflict with the rules of the Department of Financial Services or with the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions, as may be necessary to effectuate the purposes of this section.

(10) FRAUDULENT CLAIMS.—Claims submitted pursuant to this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and any person who willfully makes and subscribes any such claim which he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under the provisions of this section of a claim which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.—

(a) *Authorization forms.*—The Department of Financial Services shall furnish a uniform travel authorization request form which shall be used by all state officers, employees, and authorized persons when requesting approval for the performance of travel to a convention or conference. The form shall include, but not be limited to, provision for the name of each traveler, purpose of travel, period of travel, estimated cost to the state, and a statement of benefits accruing to the state by virtue of such travel. A copy of the program or agenda of the convention or conference, itemizing registration fees and any meals or lodging included in the registration fee, shall be attached to, and filed with, the copy of the travel authorization request form on file with the agency. The form shall be signed by the traveler and by the traveler's supervisor stating that the travel is to be incurred in connection with official business of the state. The head of the

agency or his or her designated representative shall not authorize or approve such request in the absence of the appropriate signatures. A copy of the travel authorization form shall be attached to, and become a part of, the support of the agency's copy of the travel voucher.

(b) *Voucher forms.*—

1. The Department of Financial Services shall furnish a uniform travel voucher form which shall be used by all state officers, employees, and authorized persons when submitting travel expense statements for approval and payment. No travel expense statement shall be approved for payment by the Chief Financial Officer unless made on the form prescribed and furnished by the department. The travel voucher form shall provide for, among other things, the purpose of the official travel and a certification or affirmation, to be signed by the traveler, indicating the truth and correctness of the claim in every material matter, that the travel expenses were actually incurred by the traveler as necessary in the performance of official duties, that per diem claimed has been appropriately reduced for any meals or lodging included in the convention or conference registration fees claimed by the traveler, and that the voucher conforms in every respect with the requirements of this section. The original copy of the executed uniform travel authorization request form shall be attached to the uniform travel voucher on file with the respective agency.

2. Statements for travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health shall be on forms approved by the Department of Financial Services.

(12) **ADVANCEMENTS.**—Notwithstanding any of the foregoing restrictions and limitations, an agency head or his or her designee may make, or authorize the making of, advances to cover anticipated costs of travel to travelers. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the traveler in the performance of his or her duties.

(13) **DIRECT PAYMENT OF EXPENSES BY AGENCY.**—Whenever an agency requires an employee to incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a

state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Chief Financial Officer for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of the Legislature.

(14) **APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.**—

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

1. The governing body of a county by the enactment of an ordinance or resolution;

2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;

3. The governing body of a district school board by the adoption of rules;

4. The governing body of a special district, as defined in s. 189.012, except those special districts that are subject to s. 166.021(9), by the enactment of a resolution; or

5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

(b) Rates established pursuant to paragraph (a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, district school board, special district, or metropolitan planning organization.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. 166.021(9), remain subject to the requirements of this section.

(15) **CLASS C TRAVEL.**—Moneys appropriated from the State Treasury may not be used to pay per diem or subsistence related to Class C travel.

History.—ss. 1, 3, ch. 22830, 1945; ss. 1, 2, 3, ch. 23892, 1947; ss. 1, 3, ch. 25040, 1949; ss. 1, 3, ch. 26910, 1951; s. 1, ch. 28303, 1953; s. 1, ch. 29628, 1955; s. 1, ch. 57-230; s. 1, ch. 61-183; s. 1, ch. 61-43; s. 1, ch. 63-5; s. 1, ch. 63-192; s. 1, ch. 63-122; s. 1, ch. 63-400; ss. 2, 3, ch. 67-371; ss. 1, 2, ch. 67-2206; s. 1, ch. 69-193; s. 1, ch. 69-381; ss. 12, 23, 31, 35, ch. 69-106; s. 65, ch. 71-136; s. 1, ch. 72-213; s. 1, ch. 72-217; s. 1, ch. 72-324; s. 26, ch. 72-404; s. 1, ch. 73-169; s. 1, ch. 74-15; s. 1, ch. 74-246; s. 1, ch. 74-365; ss. 1, 2, ch. 75-33; s. 1, ch. 76-166; s. 2, ch. 76-208; ss. 1, 2,

ch. 76-250; s. 1, ch. 77-174; s. 1, ch. 77-231; ss. 1, 2, ch. 77-437; s. 2, ch. 78-95; s. 51, ch. 79-190; s. 1, ch. 79-205; s. 1, ch. 79-303; s. 1, ch. 79-412; ss. 1, 2, ch. 81-207; ss. 1, 2, ch. 83-307; s. 1, ch. 85-140; s. 1, ch. 87-407; s. 4, ch. 88-235; s. 12, ch. 89-291; s. 18, ch. 91-45; s. 1, ch. 94-139; s. 1403, ch. 95-147; s. 26, ch. 95-312; s. 5, ch. 96-310; s. 43, ch. 96-399; s. 23, ch. 98-136; s. 9, ch. 99-8; s. 7, ch. 99-155; s. 16, ch. 99-399; ss. 48, 53, ch. 2001-254; ss. 46, 79, ch. 2002-402; s. 2, ch. 2003-125; s. 123, ch. 2003-261; s. 49, ch. 2003-399; s. 5, ch. 2004-5; s. 32, ch. 2004-269; s. 23, ch. 2005-71; s. 12, ch. 2006-1; s. 6, ch. 2006-18; ss. 14, 53, ch. 2006-26; s. 1, ch. 2006-41; s. 3, ch. 2006-54; s. 2, ch. 2007-196; s. 6, ch. 2008-6; s. 13, ch. 2008-153; s. 2, ch. 2010-4; s. 4, ch. 2011-143; s. 58, ch. 2014-22.

112.062 Cabinet members; educational and informational travel expenses.—When he or she deems it necessary in order to carry out an official function of office, a member of the Cabinet may incur and be reimbursed for travel expenses pursuant to s. 112.061 for the purpose of educating and informing the public as to the Cabinet member's official duties.

History.—s. 1, ch. 80-212; s. 685, ch. 95-147.

112.063 Reimbursement of county employees for educational expenses.—County constitutional officers and county commissioners are authorized to reimburse employees for educational expenses, subject to the following conditions:

(1) The coursework must be designed to enhance the knowledge, skills, and abilities relating to official duties which the employees perform.

(2) The reimbursement of educational expenses in no way obligates the officer or commissioner to grant time off or leave for the taking or completion of such course or program of instruction.

(3) An employee shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he or she is employed in the process of fulfilling any of the requirements imposed by the coursework for which he or she is being reimbursed.

(4) The limitations contained in subsections (1)-(3) shall not be construed to apply to any courses offered by or as a part of an educational program sponsored by any state agency for which the constitutional officer or commissioner is obligated to perform duties prescribed by law, or any educational program conducted in furtherance of s. 195.002, if such limitations did not exist prior to July 1, 1990.

Nothing in this section shall be construed as prohibiting employees from receiving otherwise authorized per diem expenses provided for by s. 112.061, nor shall it be construed as prohibiting the payment of wages otherwise due under the provisions of state or federal law.

History.—s. 1, ch. 90-80; s. 686, ch. 95-147.

112.08 Group insurance for public officers, employees, and certain volunteers; physical examinations.—

(1) As used in this section, the term “local governmental unit” means any county, municipality, community college district, school board, or special district or any county officer listed in s. 1(d), Art. VIII of the State Constitution.

(2)(a) Notwithstanding any general law or special act to the contrary, every local governmental unit is authorized to provide and pay out of its available funds for all or part of the premium for life, health, accident, hospitalization, legal expense, or annuity insurance, or all or any kinds of such insurance, for the officers and employees of the local governmental unit and for health, accident, hospitalization, and legal expense insurance for the dependents of such officers and employees upon a group insurance plan and, to that end, to enter into contracts with insurance companies or professional administrators to provide such insurance or with a corporation not for profit whose membership consists entirely of local governmental units authorized to enter into risk management consortiums under this subsection. Before entering any contract for insurance, the local governmental unit shall advertise for competitive bids; and such contract shall be let upon the basis of such bids. If a contracting health insurance provider becomes financially impaired as determined by the Office of Insurance Regulation of the Financial Services Commission or otherwise fails or refuses to provide the contracted-for coverage or coverages, the local government may purchase insurance, enter into risk management programs, or contract with third-party administrators and may make such acquisitions by advertising for competitive bids or by direct negotiations and contract. The local governmental unit may undertake simultaneous negotiations with those companies which have submitted reasonable and timely bids and are found by the local governmental unit to be fully qualified and capable of meeting all servicing requirements. Each local governmental unit may self-insure any plan for health, accident, and hospitalization coverage or enter into a risk management consortium to provide such coverage, subject to approval based on actuarial soundness by the Office of Insurance Regulation; and each shall contract with an insurance company or professional administrator qualified and approved by the office or with a corporation not for profit whose membership consists entirely of local governmental units authorized to enter into a risk management consortium under this subsection to administer such a plan.

(b) In order to obtain approval from the Office of Insurance Regulation of any self-insured plan for health, accident, and hospitalization coverage, each local governmental unit or consortium shall submit its

plan along with a certification as to the actuarial soundness of the plan, which certification is prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries. The Office of Insurance Regulation shall not approve the plan unless it determines that the plan is designed to provide sufficient revenues to pay current and future liabilities, as determined according to generally accepted actuarial principles. After implementation of an approved plan, each local governmental unit or consortium shall annually submit to the Office of Insurance Regulation a report which includes a statement prepared by an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries as to the actuarial soundness of the plan. The report is due 90 days after the close of the fiscal year of the plan. The report shall consist of, but is not limited to:

1. The adequacy of contribution rates in meeting the level of benefits provided and the changes, if any, needed in the contribution rates to achieve or preserve a level of funding deemed adequate to enable payment of the benefit amounts provided under the plan and a valuation of present assets, based on statement value, and prospective assets and liabilities of the plan and the extent of any unfunded accrued liabilities.
2. A plan to amortize any unfunded liabilities and a description of actions taken to reduce unfunded liabilities.
3. A description and explanation of actuarial assumptions.
4. A schedule illustrating the amortization of any unfunded liabilities.
5. A comparative review illustrating the level of funds available to the plan from rates, investment income, and other sources realized over the period covered by the report with the assumptions used.
6. A statement by the actuary that the report is complete and accurate and that in the actuary's opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this subsection.
7. Other factors or statements as required by the office in order to determine the actuarial soundness of the plan.

All assumptions used in the report shall be based on recognized actuarial principles acceptable to the Office of Insurance Regulation. The office shall review the report and shall notify the administrator of the plan and each entity participating in the plan, as identified by the administrator, of any actuarial deficiencies. Each local governmental unit is responsible for payment of valid claims of its employees that are not paid within 60 days after receipt by the plan administrator or consortium.

(c) Every local governmental unit is authorized to expend funds for preemployment physical

examinations and postemployment physical examinations.

(3) Each local governmental unit is authorized to commingle in a common fund, plan, or program all payments for life, health, accident, hospitalization, or annuity insurance or all or any kinds of such insurance whether paid by the local governmental unit, officer or employee, or otherwise. The local governmental unit may determine the portion of the cost, if any, of such fund, plan, or program to be paid by officers or employees of the local governmental unit and fix the amounts to be paid by each such officer or employee as will best serve the public interest.

(4)(a) A local governmental unit may, at its discretion, provide group insurance consistent with the provisions of this section for volunteer or auxiliary firefighters, volunteer or auxiliary law enforcement agents, or volunteer or auxiliary ambulance or emergency service personnel within its jurisdiction. No insurance provided to volunteer personnel shall be used in the computation of workers' compensation benefits or in the determination of employee status for the purposes of collective bargaining.

(b) Benefits provided under group insurance policies pursuant to paragraph (a) shall not exceed benefits provided to employees under subsection (2) and ss. 112.19 and 112.191.

(5) The Department of Management Services shall initiate and supervise a group insurance program providing death and disability benefits for active members of the Florida Highway Patrol Auxiliary, with coverage beginning July 1, 1978, and purchased from state funds appropriated for that purpose. The Department of Management Services, in cooperation with the Office of Insurance Regulation, shall prepare specifications necessary to implement the program, and the Department of Management Services shall receive bids and award the contract in accordance with general law.

(6) The Financial Services Commission is authorized to adopt rules to carry out the provisions of this section as they pertain to its duties.

(7) All medical records and medical claims records in the custody of a unit of county or municipal government relating to county or municipal employees, former county or municipal employees, or eligible dependents of such employees enrolled in a county or municipal group insurance plan or self-insurance plan shall be kept confidential and are exempt from the provisions of s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee's legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the

employee or the employee's legal representative by the party seeking such records.

(8) Patient medical records and medical claims records of water management district employees, former employees, and eligible dependents in the custody or control of the water management district under its group insurance plan established pursuant to s. 373.605 are confidential and exempt from s. 119.07(1). Such records shall not be furnished to any person other than the employee or the employee's legal representative, except upon written authorization of the employee, but may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the employee or the employee's legal representative by the party seeking such records.

History.—s. 1, ch. 20852, 1941; s. 1, ch. 69-300; s. 1, ch. 72-338; s. 1, ch. 76-208; s. 1, ch. 77-89; s. 50, ch. 79-40; s. 1, ch. 79-337; s. 67, ch. 79-400; s. 3, ch. 83-292; ss. 1, 2, ch. 84-307; s. 4, ch. 86-180; s. 26, ch. 90-360; s. 41, ch. 92-279; s. 55, ch. 92-326; s. 687, ch. 95-147; s. 33, ch. 96-406; s. 1, ch. 2001-123; s. 124, ch. 2003-261; s. 6, ch. 2004-305; s. 13, ch. 2005-2; s. 1, ch. 2016-194.

112.0801 Group insurance; participation by retired employees.—

(1) Any state agency, county, municipality, special district, community college, or district school board that provides life, health, accident, hospitalization, or annuity insurance, or all of any kinds of such insurance, for its officers and employees and their dependents upon a group insurance plan or self-insurance plan shall allow all former personnel who retired before October 1, 1987, as well as those who retire on or after such date, and their eligible dependents, the option of continuing to participate in the group insurance plan or self-insurance plan. Retirees and their eligible dependents shall be offered the same health and hospitalization insurance coverage as is offered to active employees at a premium cost of no more than the premium cost applicable to active employees. For retired employees and their eligible dependents, the cost of continued participation may be paid by the employer or by the retired employees. To determine health and hospitalization plan costs, the employer shall commingle the claims experience of the retiree group with the claims experience of the active employees; and, for other types of coverage, the employer may commingle the claims experience of the retiree group with the claims experience of active employees. Retirees covered under Medicare may be experience-rated separately from the retirees not covered by Medicare and from active employees if the total premium does not exceed that of the active group and coverage is basically the same as for the active group.

(2) For purposes of this section, "retiree" means any officer or employee who retires under a state

retirement system or a state optional annuity or retirement program or is placed on disability retirement and who begins receiving retirement benefits immediately after retirement from employment. In addition to these requirements, any officer or employee who retires under the Florida Retirement System Investment Plan established under part II of chapter 121 is considered a "retired officer or employee" or "retiree" as used in this section if he or she:

(a) Meets the age and service requirements to qualify for normal retirement as set forth in s. 121.021(29); or

(b) Has attained the age specified by s. 72(t)(2)(A)(i) of the Internal Revenue Code and has the years of service required for vesting as set forth in s. 121.021(45).

History.—s. 2, ch. 76-151; s. 1, ch. 79-88; s. 1, ch. 80-304; s. 5, ch. 81-103; s. 1, ch. 83-294; s. 1, ch. 87-373; s. 1, ch. 2007-92; s. 1, ch. 2007-100; s. 2, ch. 2011-68.

112.0804 Health insurance for retirees under the Florida Retirement System; Medicare supplement and fully insured coverage.—

(1) The Department of Management Services shall solicit competitive bids from state-licensed insurance companies to provide and administer a fully insured Medicare supplement policy for all eligible retirees of a state or local public employer. Such Medicare supplement policy shall meet the provisions of ss. 627.671-627.675. For the purpose of this subsection, "eligible retiree" means any public employee who retired from a state or local public employer who is covered by Medicare, Parts A and B. The Department of Management Services shall authorize one company to offer the Medicare supplement coverage to all eligible retirees. All premiums shall be paid by the retiree.

(2) The Department of Management Services shall solicit competitive bids from state-licensed insurance companies to provide and administer fully insured health insurance coverage for all public employees who retired from a state or local public employer who are not covered by Medicare, Parts A and B. The Department of Management Services may authorize one company to offer such coverage if the proposed benefits and premiums are reasonable. If such coverage is authorized, all premiums shall be paid for by the retiree.

History.—s. 1, ch. 85-305; s. 42, ch. 92-279; s. 55, ch. 92-326.

112.0805 Employer notice of insurance eligibility to employees who retire.—Any employer who provides insurance coverage under s. 110.123 or s. 112.0801 shall notify those employees who retire of their eligibility to participate in either the same group insurance plan or self-insurance plan as provided in ss. 110.123 and 112.0801, or the insurance coverage as provided by this law.

History.—s. 2, ch. 85-305.

112.081 Circuit judges, participation.—All circuit judges who, on July 1, 1967, are participating in an insurance program for county employees are hereby deemed to be county employees for the purpose of such participation even though there is no actual cash salary supplement received from the county.

History.—s. 4, ch. 67-301.

112.09 Evidence of election to provide insurance.—The election to exercise such authority shall be evidenced by resolution, duly recorded in the official minutes, adopted by the board of county commissioners in the case of a county, by the school board, in the case of a school district and by the members of the board, or department head if an individual, in the case of any state department, board or bureau, and by the governing body by resolution or ordinance in the case of any other governmental unit of the State of Florida.

History.—s. 2, ch. 20852, 1941; s. 1, ch. 69-300.

112.10 Deduction and payment of premiums.—Upon the request in writing of any officer or employee, the proper officials of each and every county, school board, governmental unit, department, board or bureau of the state, are hereby authorized and empowered to deduct from the wages of such officer or employee, periodically, the amount of the premium which such officer or employee has agreed to pay for such insurance, and to pay or remit the same directly to the insurance company issuing such group insurance.

History.—s. 3, ch. 20852, 1941; s. 1, ch. 69-300; s. 2, ch. 72-338.

112.11 Participation voluntary.—The participation in such group insurance by any officer or employee shall be entirely voluntary at all times. Any officer or employee may, upon any payday, withdraw or retire from such group insurance plan, upon giving the employer written notice thereof and directing the discontinuance of deductions from wages in payment of such premiums.

History.—s. 4, ch. 20852, 1941; s. 3, ch. 72-338; s. 688, ch. 95-147.

112.13 Insurance additional to workers' compensation.—The insurance permitted and allowed under this law shall be in addition to, and in no manner in lieu of the provisions of the Workers' Compensation Law.

History.—s. 6, ch. 20852, 1941; s. 51, ch. 79-40.

112.14 Purpose and intent of law.—It is hereby declared to be the purpose and intent of this law to make available upon a voluntary participation basis to the several officers and employees aforesaid, the

economics, protection and benefits of group insurance not available to each officer and employee as an individual. It is also the purpose and intent of this law to provide authority for the payment of premiums or charges for group insurance for county officers whose compensation is fixed by chapter 145 in addition to the compensation provided in chapter 145.

History.—s. 5, ch. 20852, 1941; s. 5, ch. 72-338.

112.151 Group hospitalization insurance for county officers and employees.—The governing body of each county in the state is authorized to provide and pay out of its available funds all or part of the premiums for hospitalization insurance coverage for the officers or employees of the county and to enter into contracts with insurance companies to provide such insurance.

History.—s. 1, ch. 78-267.

112.153 Local governmental group insurance plans; refunds with respect to overcharges by providers.—A participant in a group insurance plan offered by a county, municipality, school board, local governmental unit, and special taxing unit, who discovers that he or she was overcharged by a hospital, physician, clinical lab, and other health care providers, shall receive a refund of 50 percent of any amount recovered as a result of such overcharge, up to a maximum of \$1,000 per admission. All such instances of overcharge shall be reported to the Agency for Health Care Administration for action it deems appropriate.

History.—s. 4, ch. 83-292; s. 1, ch. 91-48; s. 689, ch. 95-147; s. 9, ch. 97-95.

112.161 Change in position or reclassification; continuance or resumption of membership in retirement system.—

(1) Any person who is a participant in any state or county retirement system, who changes his or her position of employment, or who is reclassified so that under any existing law such person would participate in a different retirement system, may continue to participate and come under the same retirement system in which he or she participated or came under before changing positions or being reclassified so long as such person remains in the employ of the state or county and continues to make the contributions required by law. Any person who has changed positions or been reclassified heretofore may come back under and participate in the retirement system to which he or she belonged before such change or reclassification upon payment of all back contributions, plus 3 percent interest per annum, that would have been required by law had he or she continued to participate and come under such system continuously, such election to be made and payment to be made on or before the time of retirement.

(2) The provisions of this section shall supersede any existing law relating to state and county retirement systems or pensions, provided nothing herein shall be construed to apply to State Supreme Court justices, as provided in chapter 25; nor to circuit judges as provided by chapter 38; nor to members of Duval County employees pension fund as provided in chapter 23259, Acts, 1945, as amended by chapter 27520, Acts, 1951, and chapter 27523, Acts, 1951.

History.—ss. 1, 2, ch. 57-752; ss. 24, 35, ch. 69-106; s. 690, ch. 95-147.

112.171 Employee wage deductions.—

(1) The counties, municipalities, and special districts of the state and the departments, agencies, bureaus, commissions, and officers thereof are authorized and permitted in their sole discretion to make deductions from the salary or wage of any employee or employees in such amount as shall be authorized and requested by such employee or employees and for such purpose as shall be authorized and requested by such employee or employees and shall pay such sums so deducted as directed by such employee or employees.

(2) It is the intent and purpose of this section to vest in the public officers, agencies and commissions herein enumerated the sole power and discretion to approve or disapprove requested deductions and the approval of and making of approved deductions shall not require the approval or making of other requested deductions.

History.—s. 1, ch. 59-409; s. 26, ch. 79-190.

112.175 Employee wages; withholding to repay educational loan.—

(1)(a) Any person who has received an educational loan made or guaranteed by the state or any of its political subdivisions and who at any time becomes or is an employee of the state or any of its political subdivisions shall be deemed to have agreed as a condition of employment to have consented to voluntary or involuntary withholding of wages to repay such loan. Any such employee who has defaulted or does default on the repayment of such loan shall, within 60 days after service of a notice of default by the agency holding the loan to the employee and the employing agency, establish a loan repayment schedule which shall be agreed to by both the agency holding the loan and the employee for repaying such defaulted loan through payroll deductions. Under no circumstances may an amount in excess of 10 percent per pay period of the pay of such employee be required by the agency holding the loan as part of a repayment schedule or plan. If such employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the agreed to or approved repayment schedule as authorized by this subsection, such employee shall be

deemed to have breached an essential condition of employment and shall be deemed to have consented to the involuntary withholding of wages or salary for the repayment of the loan.

(b) No person who is employed by the state or any of its political subdivisions on or after October 1, 1986, may be dismissed for having defaulted on the repayment of an educational loan made or guaranteed by the state or any of its political subdivisions.

(2) The Administration Commission shall adopt rules to implement this section, which shall include, but not be limited to, a standard method of calculating amounts to be withheld from employees who have failed to establish a repayment schedule within the specified period of time or failed to meet the terms and conditions of the agreed to or approved repayment schedule provided for in this section. Such method shall consider the following factors:

(a) The amount of the loan which remains outstanding;

(b) The income of the employee who owes such amount; and

(c) Other factors such as the number of dependents supported by the employee.

History.—ss. 1, 2, ch. 86-129; s. 691, ch. 95-147.

112.18 Firefighters and law enforcement or correctional officers; special provisions relative to disability.—

(1)(a) Any condition or impairment of health of any Florida state, municipal, county, port authority, special tax district, or fire control district firefighter or any law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such firefighter or law enforcement officer must have successfully passed a physical examination upon entering into any such service as a firefighter or law enforcement officer, which examination failed to reveal any evidence of any such condition. Such presumption does not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(b)1. For any workers' compensation claim filed under this section and chapter 440 occurring on or after July 1, 2010, a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), or (3) suffering from tuberculosis, heart disease, or hypertension is presumed not to have incurred such disease in the line of duty as provided in this section if the law

enforcement officer, correctional officer, or correctional probation officer:

a. Departed in a material fashion from the prescribed course of treatment of his or her personal physician and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment; or

b. Was previously compensated pursuant to this section and chapter 440 for tuberculosis, heart disease, or hypertension and thereafter sustains and reports a new compensable workers' compensation claim under this section and chapter 440, and the law enforcement officer, correctional officer, or correctional probation officer has departed in a material fashion from the prescribed course of treatment of an authorized physician for the preexisting workers' compensation claim and the departure is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment.

2. As used in this paragraph, "prescribed course of treatment" means prescribed medical courses of action and prescribed medicines for the specific disease or diseases claimed and as documented in the prescribing physician's medical records.

3. If there is a dispute as to the appropriateness of the course of treatment prescribed by a physician under sub-subparagraph 1.a. or sub-subparagraph 1.b. or whether a departure in a material fashion from the prescribed course of treatment is demonstrated to have resulted in a significant aggravation of the tuberculosis, heart disease, or hypertension resulting in disability or increasing the disability or need for medical treatment, the law enforcement officer, correctional officer, or correctional probation officer is entitled to seek an independent medical examination pursuant to s. 440.13(5).

4. A law enforcement officer, correctional officer, or correctional probation officer is not entitled to the presumption provided in this section unless a claim for benefits is made prior to or within 180 days after leaving the employment of the employing agency.

(2) This section authorizes each governmental entity specified in subsection (1) to negotiate policy contracts for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any firefighter, law enforcement officer, or correctional officer caused by tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

History.—s. 1, ch. 65-480; s. 1, ch. 73-125; s. 32, ch. 77-104; s. 692, ch. 95-147; s. 21, ch. 99-392; s. 3, ch. 2002-236; s. 2, ch. 2010-175.

112.181 Firefighters, paramedics, emergency medical technicians, law enforcement officers, correctional officers; special provisions relative to certain communicable diseases.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Body fluids" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control and Prevention, apply. For purposes of potential transmission of meningococcal meningitis or tuberculosis, the term "body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.

(b) "Emergency rescue or public safety worker" means any person employed full time by the state or any political subdivision of the state as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public safety worker" does not include any person employed by a public hospital licensed under chapter 395 or any person employed by a subsidiary thereof.

(c) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.

(d) "High risk of occupational exposure" means that risk that is incurred because a person subject to the provisions of this section, in performing the basic duties associated with his or her employment:

1. Provides emergency medical treatment in a non-health-care setting where there is a potential for transfer of body fluids between persons;

2. At the site of an accident, fire, or other rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;

3. Engages in the pursuit, apprehension, and arrest of law violators or suspected law violators and, in performing such duties, may be exposed to body fluids; or

4. Is responsible for the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, while on work detail outside the facility, or while being

transported and, in performing such duties, may be exposed to body fluids.

(e) "Occupational exposure," in the case of hepatitis, meningococcal meningitis, or tuberculosis, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.

(2) PRESUMPTION; ELIGIBILITY CONDITIONS.—Any emergency rescue or public safety worker who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the emergency rescue or public safety worker must, by written affidavit as provided in s. 92.50, verify by written declaration that, to the best of his or her knowledge and belief:

(a) In the case of a medical condition caused by or derived from hepatitis, he or she has not:

1. Been exposed, through transfer of bodily fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his or her employment;

2. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his or her present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;

3. Engaged in unsafe sexual practices or other high-risk behavior, as identified by the Centers for Disease Control and Prevention or the Surgeon General of the United States, or had sexual relations with a person known to him or her to have engaged in such unsafe sexual practices or other high-risk behavior; or

4. Used intravenous drugs not prescribed by a physician.

(b) In the case of meningococcal meningitis, in the 10 days immediately preceding diagnosis he or she was not exposed, outside the scope of his or her employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.

(c) In the case of tuberculosis, in the period of time since the worker's last negative tuberculosis skin test, he or she has not been exposed, outside the scope of his or her employment, to any person known by him or her to have tuberculosis.

(3) IMMUNIZATION.—Whenever any standard, medically recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is

granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the United States Public Health Service, an emergency rescue or public safety worker may be required by his or her employer to undergo the immunization or prophylaxis unless the worker's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the worker's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety worker to undergo such immunization or prophylaxis disqualifies the worker from the benefits of the presumption.

(4) LIFE AND DISABILITY INSURANCE COVERAGE.—This section does not apply to benefits payable under or granted in a noncompulsory policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract. However, the state or any political subdivision of the state may negotiate a policy contract for life and disability insurance which includes accidental death benefits or double indemnity coverage for any condition or impairment of health suffered by an emergency rescue or public safety worker, which condition or impairment is caused by a disease described in this section and results in total or partial disability or death.

(5) RECORD OF EXPOSURES.—The employing agency shall maintain a record of any known or reasonably suspected exposure of an emergency rescue or public safety worker in its employ to the diseases described in this section and shall immediately notify the employee of such exposure. An emergency rescue or public safety worker shall file an incident or accident report with his or her employer of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

(6) REQUIRED MEDICAL TESTS; PREEMPLOYMENT PHYSICAL.—In order to be entitled to the presumption provided by this section:

(a) An emergency rescue or public safety worker must, prior to diagnosis, have undergone standard, medically acceptable tests for evidence of the communicable disease for which the presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection. This paragraph does not apply in the case of meningococcal meningitis.

(b) On or after June 15, 1995, an emergency rescue or public safety worker may be required to undergo a preemployment physical examination that tests for and fails to reveal any evidence of hepatitis or tuberculosis.

(7) DISABILITY RETIREMENT.—This section does not change the basic requirements for

determining eligibility for disability retirement benefits under the Florida Retirement System or any pension plan administered by this state or any political subdivision thereof, except to the extent of affecting the determination as to whether a member was disabled in the line of duty or was otherwise disabled.

History.—s. 2, ch. 95-285; s. 2, ch. 96-198; s. 25, ch. 97-95; s. 26, ch. 97-96.

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(1) The term “first responder” as used in this section means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

(2)(a) For the purpose of determining benefits under this section relating to employment-related accidents and injuries of first responders, the following shall apply:

1. An injury or disease caused by the exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing that exposure to the specific substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee.

2. Any adverse result or complication caused by a smallpox vaccination of a first responder is deemed to be an injury by accident arising out of work performed in the course and scope of employment.

3. A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence. For a mental or nervous injury arising out of the employment unaccompanied by a physical injury involving a first responder, only medical benefits under s. 440.13 shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15 may not be made unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury. Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093 or the 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3)(c).

(b) In cases involving occupational disease, both causation and sufficient exposure to a specific harmful substance shown to be present in the workplace to

support causation shall be proven by a preponderance of the evidence.

(3) Permanent total supplemental benefits received by a first responder whose employer does not participate in the social security program shall not terminate after the first responder attains the age of 62.

(4) For the purposes of this section, the term “occupational disease” means only a disease that arises out of employment as a first responder and is due to causes and conditions that are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public.

History.—s. 1, ch. 2007-87; s. 116, ch. 2013-183.

112.182 “Firefighter rule” abolished.—

(1) A firefighter or properly identified law enforcement officer who lawfully enters upon the premises of another in the discharge of his or her duty occupies the status of an invitee. The common-law rule that such a firefighter or law enforcement officer occupies the status of a licensee is hereby abolished.

(2) It is not the intent of this section to increase or diminish the duty of care owed by property owners to invitees. Property owners shall be liable to invitees pursuant to this section only when the property owner negligently fails to maintain the premises in a reasonably safe condition or negligently fails to correct a dangerous condition of which the property owner either knew or should have known by the use of reasonable care or negligently fails to warn the invitee of a dangerous condition about which the property owner had, or should have had, knowledge greater than that of the invitee.

History.—s. 1, ch. 90-308; s. 693, ch. 95-147.

112.19 Law enforcement, correctional, and correctional probation officers; death benefits.—

(1) Whenever used in this section, the term:

(a) “Employer” means a state board, commission, department, division, bureau, or agency, or a county, municipality, or other political subdivision of the state, which employs, appoints, or otherwise engages the services of law enforcement, correctional, or correctional probation officers.

(b) “Law enforcement, correctional, or correctional probation officer” means any officer as defined in s. 943.10(14) or employee of the state or any political subdivision of the state, including any law enforcement officer, correctional officer, correctional probation officer, state attorney investigator, or public defender investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who

are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices. The term also includes any full-time officer or employee of the state or any political subdivision of the state, certified pursuant to chapter 943, whose duties require such officer to serve process or to attend a session of a circuit or county court as bailiff.

(c) "Insurance" means insurance procured from a stock company or mutual company or association or exchange authorized to do business as an insurer in this state.

(d) "Fresh pursuit" means the pursuit of a person who has committed or is reasonably suspected of having committed a felony, misdemeanor, traffic infraction, or violation of a county or municipal ordinance. The term does not imply instant pursuit, but pursuit without unreasonable delay.

(2)(a) The sum of \$50,000, as adjusted pursuant to paragraph (j), shall be paid as provided in this section when a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is accidentally killed or receives accidental bodily injury which results in the loss of the officer's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted. Notwithstanding any other provision of law, in no case shall the amount payable under this subsection be less than the actual amount stated therein.

(b) The sum of \$50,000, as adjusted under paragraph (j), shall be paid as provided in this section if a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (a) and the accidental death occurs:

1. As a result of the officer's response to fresh pursuit;
2. As a result of the officer's response to what is reasonably believed to be an emergency;
3. At the scene of a traffic accident to which the officer has responded; or
4. While the officer is enforcing what is reasonably believed to be a traffic law or ordinance.

This sum is in addition to any sum provided for in paragraph (a). Notwithstanding any other provision of law, in no case shall the amount payable under this subsection be less than the actual amount stated therein.

(c) If a law enforcement, correctional, or correctional probation officer, while engaged in the performance of the officer's law enforcement duties, is unlawfully and intentionally killed or dies as a result of such unlawful and intentional act, the sum of \$150,000, as adjusted pursuant to paragraph (j), shall be paid as provided in this section. Notwithstanding any other

provision of law, in no case shall the amount payable under this subsection be less than the actual amount stated therein.

(d) Such payments, pursuant to the provisions of paragraphs (a), (b), and (c), whether secured by insurance or not, shall be made to the beneficiary designated by such law enforcement, correctional, or correctional probation officer in writing, signed by the officer and delivered to the employer during the officer's lifetime. If no such designation is made, then it shall be paid to the officer's surviving child or children and spouse in equal portions, and if there is no surviving child or spouse, then to the officer's parent or parents. If a beneficiary is not designated and there is no surviving child, spouse, or parent, then it shall be paid to the officer's estate.

(e) Such payments, pursuant to the provisions of paragraphs (a), (b), and (c), are in addition to any workers' compensation or pension benefits and are exempt from the claims and demands of creditors of such law enforcement, correctional, or correctional probation officer.

(f) If a full-time law enforcement, correctional, or correctional probation officer who is certified pursuant to chapter 943 and employed by a state agency is killed in the line of duty while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions:

1. The sum of \$1,000 shall be paid, as provided for in paragraph (d), toward the funeral and burial expenses of such officer. Such benefits are in addition to any other benefits to which employee beneficiaries and dependents are entitled under the Workers' Compensation Law or any other state or federal statutes; and

2. The officer's employing agency may pay up to \$5,000 directly toward the venue expenses associated with the funeral and burial services of such officer.

(g) Any political subdivision of the state that employs a full-time law enforcement officer as defined in s. 943.10(1) or a full-time correctional officer as defined in s. 943.10(2) who is killed in the line of duty on or after July 1, 1993, as a result of an act of violence inflicted by another person while the officer is engaged in the performance of law enforcement duties or as a result of an assault against the officer under riot conditions shall pay the entire premium of the political subdivision's health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the employee's death, the child is dependent upon the employee for support; and

2. The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

(h)1. Any employer who employs a full-time law enforcement, correctional, or correctional probation officer who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a law enforcement, correctional, or correctional probation officer or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the officer, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the officer's response to fresh pursuit, the officer's response to what is reasonably believed to be an emergency, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the officer, spouse, or dependent children may otherwise be eligible, except that a person who

qualifies under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

(i) The Bureau of Crime Prevention and Training within the Department of Legal Affairs shall adopt rules necessary to implement paragraphs (a), (b), and (c).

(j) Any payments made pursuant to paragraph (a), paragraph (b), or paragraph (c) shall consist of the statutory amount adjusted to reflect price level changes since the effective date of this act. The Bureau of Crime Prevention and Training shall by rule adjust the statutory amount based on the Consumer Price Index for All Urban Consumers published by the United States Department of Labor. Adjustment shall be made July 1 of each year using the most recent month for which data are available at the time of the adjustment.

¹(3) If a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, or unlawfully and intentionally killed as specified in paragraph (2)(c) on or after July 1, 1980, the state shall waive certain educational expenses that the child or spouse of the deceased officer incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a Florida College System institution, or a state university. The child or spouse may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. The benefits provided to a child under this subsection shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

(a) Upon failure of any child or spouse benefited by the provisions of this subsection to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child or spouse and no further moneys may be expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(b) Only a student in good standing in his or her respective institution may receive the benefits thereof.

(c) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the institution attended.

(4)(a) The employer of such law enforcement, correctional, or correctional probation officer is liable for the payment of the sums specified in this section and is deemed self-insured, unless it procures and maintains, or has already procured and maintained, insurance to secure such payments. Any such

insurance may cover only the risks indicated in this section, in the amounts indicated in this section, or it may cover those risks and additional risks and may be in larger amounts. Any such insurance shall be placed by such employer only after public bid of such insurance coverage which coverage shall be awarded to the carrier making the lowest best bid.

(b) Payment of benefits to beneficiaries of state employees, or of the premiums to cover the risk, under the provisions of this section shall be paid from existing funds otherwise appropriated to the department employing the law enforcement, correctional, or correctional probation officers.

(5) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement the educational benefits provisions of this section.

(6) Notwithstanding any provision of this section to the contrary, the death benefits provided in paragraphs (2)(c) and (g) shall also be applicable and paid in cases where an officer received bodily injury prior to July 1, 1993, and subsequently died on or after July 1, 1993, as a result of such in-line-of-duty injury attributable to an unlawful and intentional act, or an act of violence inflicted by another, or an assault on the officer under riot conditions. Payment of such benefits shall be in accordance with provisions of this section. Nothing in this provision shall be construed to limit death benefits for which those individuals listed in paragraph (2)(d) may otherwise be eligible.

History.—ss. 1, 2, ch. 67-408; ss. 1, 3, ch. 71-301; s. 52, ch. 79-40; s. 1, ch. 87-143; s. 2, ch. 89-22; s. 1, ch. 90-138; s. 1, ch. 92-59; s. 3, ch. 93-149; s. 2, ch. 94-171; s. 1404, ch. 95-147; s. 3, ch. 95-283; s. 3, ch. 96-198; s. 38, ch. 99-2; s. 1, ch. 2002-191; s. 5, ch. 2002-194; s. 1, ch. 2002-232; s. 9, ch. 2003-1; s. 46, ch. 2003-412; ss. 14, 15, ch. 2004-357; ss. 2, 5, 6, ch. 2005-100; s. 8, ch. 2007-217; s. 2, ch. 2010-78; s. 11, ch. 2013-25; ss. 12, 13, ch. 2014-17; s. 1, ch. 2015-163.

1Note.—As amended by s. 1, ch. 2002-191, as amended by s. 14, ch. 2004-357, as reenacted by s. 5, ch. 2005-100, as amended by s. 12, ch. 2014-17. For a description of multiple acts in the same session affecting a statutory provision, see preface to the *Florida Statutes*, “Statutory Construction.” Subsection (3) was also amended by s. 1, ch. 2002-232, as amended by s. 9, ch. 2003-1, as amended by s. 15, ch. 2004-357, as reenacted by s. 6, ch. 2005-100, as amended by s. 13, ch. 2014-17, and that version reads:

(3) If a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, or unlawfully and intentionally killed as specified in paragraph (2)(c) on or after July 1, 1980, the state shall waive certain educational expenses that children of the deceased officer incur while obtaining a career certificate, an undergraduate education, or a graduate or postbaccalaureate professional degree. The amount waived by the state shall be an amount equal to the cost of tuition, matriculation, and other statutorily authorized fees for a total of 120 credit hours for a career certificate or an undergraduate education. For a child pursuing a graduate or postbaccalaureate professional degree, the amount waived shall equal the cost of matriculation and other statutorily authorized fees incurred while the child continues to fulfill the professional requirements associated with the graduate or postbaccalaureate professional degree program, and

eligibility continues until the child's 29th birthday. The child may attend a state career center, a Florida College System institution, or a state university. The child may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. For a child pursuing a career certificate or an undergraduate education, the benefits provided under this subsection shall continue to the child until the child's 25th birthday. To be eligible for the benefits provided under this subsection for enrollment in a graduate or postbaccalaureate professional degree program, the child must be a state resident, as defined in s. 1009.21, at the time of enrollment.

(a) Upon failure of any child benefited by the provisions of this section to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child and no further moneys may be expended for the child's benefits so long as such failure or delinquency continues.

(b) Only a student in good standing in his or her respective institution may receive the benefits thereof.

(c) A child receiving benefits under this section must be enrolled according to the customary rules and requirements of the institution attended.

112.191 Firefighters; death benefits.—

(1) Whenever used in this act:

(a) The term “employer” means a state board, commission, department, division, bureau or agency, or a county, municipality, or other political subdivision of the state.

(b) The term “firefighter” means any full-time duly employed uniformed firefighter employed by an employer, whose primary duty is the prevention and extinguishing of fires, the protection of life and property therefrom, the enforcement of municipal, county, and state fire prevention codes, as well as the enforcement of any law pertaining to the prevention and control of fires, who is certified pursuant to s. 633.408 and who is a member of a duly constituted fire department of such employer or who is a volunteer firefighter.

(c) The term “insurance” means insurance procured from a stock company or mutual company or association or exchange authorized to do business as an insurer in this state.

(2)(a) The sum of \$50,000, as adjusted pursuant to paragraph (i), shall be paid as provided in this section when a firefighter, while engaged in the performance of his or her firefighter duties, is accidentally killed or receives accidental bodily injury which subsequently results in the loss of the firefighter's life, provided that such killing is not the result of suicide and that such bodily injury is not intentionally self-inflicted. Notwithstanding any other provision of law, in no case shall the amount payable under this subsection be less than the actual amount stated therein.

(b) The sum of \$50,000, as adjusted pursuant to paragraph (i), shall be paid as provided in this section if a firefighter is accidentally killed as specified in paragraph (a) and the accidental death occurs as a result of the firefighter's response to what is reasonably believed to be an emergency involving the protection of life or property or the firefighter's participation in a

training exercise. This sum is in addition to any sum provided in paragraph (a). Notwithstanding any other provision of law, the amount payable under this subsection may not be less than the actual amount stated therein.

(c) If a firefighter, while engaged in the performance of his or her firefighter duties, is unlawfully and intentionally killed, is injured by an unlawful and intentional act of another person and dies as a result of such injury, dies as a result of a fire which has been determined to have been caused by an act of arson, or subsequently dies as a result of injuries sustained therefrom, the sum of \$150,000, as adjusted pursuant to paragraph (i), shall be paid as provided in this section. Notwithstanding any other provision of law, the amount payable under this subsection may not be less than the actual amount stated therein.

(d) Such payments, pursuant to paragraphs (a), (b), and (c), whether secured by insurance or not, shall be made to the beneficiary designated by such firefighter in writing, signed by the firefighter and delivered to the employer during the firefighter's lifetime. If no such designation is made, then it shall be paid to the firefighter's surviving child or children and spouse in equal portions, and if there be no surviving child or spouse, then to the firefighter's parent or parents. If a beneficiary designation is not made and there is no surviving child, spouse, or parent, then it shall be paid to the firefighter's estate.

(e) Such payments, pursuant to the provisions of paragraphs (a), (b), and (c), shall be in addition to any workers' compensation or pension benefits and shall be exempt from the claims and demands of creditors of such firefighter.

(f) Any political subdivision of the state that employs a full-time firefighter who is killed in the line of duty on or after July 1, 1993, as a result of an act of violence inflicted by another person while the firefighter is engaged in the performance of firefighter duties, as a result of a fire which has been determined to have been caused by an act of arson, or as a result of an assault against the firefighter under riot conditions shall pay the entire premium of the political subdivision's health insurance plan for the employee's surviving spouse until remarried, and for each dependent child of the employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the employee's death, the child is dependent upon the employee for support; and
2. The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

(g)1. Any employer who employs a full-time firefighter who, on or after January 1, 1995, suffers a catastrophic injury, as defined in s. 440.02, Florida

Statutes 2002, in the line of duty shall pay the entire premium of the employer's health insurance plan for the injured employee, the injured employee's spouse, and for each dependent child of the injured employee until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if the child continues to be dependent for support, or the child is a full-time or part-time student and is dependent for support. The term "health insurance plan" does not include supplemental benefits that are not part of the basic group health insurance plan. If the injured employee subsequently dies, the employer shall continue to pay the entire health insurance premium for the surviving spouse until remarried, and for the dependent children, under the conditions outlined in this paragraph. However:

a. Health insurance benefits payable from any other source shall reduce benefits payable under this section.

b. It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement to obtain health insurance coverage as provided under this paragraph. A person who violates this sub-subparagraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

c. In addition to any applicable criminal penalty, upon conviction for a violation as described in sub-subparagraph b., a firefighter or other beneficiary who receives or seeks to receive health insurance benefits under this paragraph shall forfeit the right to receive such health insurance benefits, and shall reimburse the employer for all benefits paid due to the fraud or other prohibited activity. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

2. In order for the firefighter, spouse, and dependent children to be eligible for such insurance coverage, the injury must have occurred as the result of the firefighter's response to what is reasonably believed to be an emergency involving the protection of life or property, or an unlawful act perpetrated by another. Except as otherwise provided herein, nothing in this paragraph shall be construed to limit health insurance coverage for which the firefighter, spouse, or dependent children may otherwise be eligible, except that a person who qualifies for benefits under this section shall not be eligible for the health insurance subsidy provided under chapter 121, chapter 175, or chapter 185.

Notwithstanding any provision of this section to the contrary, the death benefits provided in paragraphs (b), (c), and (f) shall also be applicable and paid in cases where a firefighter received bodily injury prior to July 1,

1993, and subsequently died on or after July 1, 1993, as a result of such in-line-of-duty injury.

(h) The Division of the State Fire Marshal within the Department of Financial Services shall adopt rules necessary to implement this section.

(i) Any payments made pursuant to paragraph (a), paragraph (b), or paragraph (c) shall consist of the statutory amount adjusted to show price level changes in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor since July 1, 2002. The Division of State Fire Marshal, using the most recent month for which Consumer Price Index data is available, shall, on June 15 of each year, calculate and publish on the division's Internet website the amount resulting from the adjustments to the statutory amounts. The adjusted statutory amounts shall be effective on July 1 of each year.

¹(3) If a firefighter is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, or unlawfully and intentionally killed as specified in paragraph (2)(c), on or after July 1, 1980, the state shall waive certain educational expenses that the child or spouse of the deceased firefighter incurs while obtaining a career certificate, an undergraduate education, or a postgraduate education. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours. The child or spouse may attend a state career center, a Florida College System institution, or a state university. The child or spouse may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. The benefits provided to a child under this subsection shall continue until the child's 25th birthday. The benefits provided to a spouse under this subsection must commence within 5 years after the death occurs, and entitlement thereto shall continue until the 10th anniversary of that death.

(a) Upon failure of any child or spouse benefited by the provisions of this subsection to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits thereof shall be withdrawn as to the child or spouse and no further moneys expended for the child's or spouse's benefits so long as such failure or delinquency continues.

(b) Only students in good standing in their respective institutions shall receive the benefits thereof.

(c) A child or spouse receiving benefits under this subsection must be enrolled according to the customary rules and requirements of the institution attended.

(4)(a) The employer of such firefighter shall be liable for the payment of said sums specified in this section and shall be deemed self-insured, unless it procures and maintains, or has already procured and

maintained, insurance to secure such payments. Any such insurance may cover only the risks indicated in this section, in the amounts indicated in this section, or it may cover those risks and additional risks and may be in larger amounts. Any such insurance shall be placed by such employer only after public bid of such insurance coverage which coverage shall be awarded to the carrier making the lowest best bid.

(b) Payment of benefits to beneficiaries of state employees, or of the premiums to cover the risk, under the provisions of this section, shall be paid from existing funds otherwise appropriated for the department.

(5) The State Board of Education shall adopt rules and procedures, and the Board of Governors shall adopt regulations and procedures, as are appropriate and necessary to implement the educational benefits provisions of this section.

History.—ss. 1, 2, ch. 67-443; ss. 1, 2, ch. 69-35; s. 7, ch. 69-353; ss. 2, 3, ch. 71-301; s. 1, ch. 78-7; s. 53, ch. 79-40; s. 3, ch. 90-138; s. 2, ch. 92-59; s. 1, ch. 93-149; s. 3, ch. 94-171; s. 1405, ch. 95-147; s. 4, ch. 96-198; s. 39, ch. 99-2; s. 2, ch. 2002-191; s. 6, ch. 2002-194; s. 2, ch. 2002-232; s. 10, ch. 2003-1; s. 125, ch. 2003-261; s. 47, ch. 2003-412; s. 6, ch. 2004-5; ss. 16, 17, ch. 2004-357; s. 9, ch. 2007-217; s. 3, ch. 2010-78; s. 5, ch. 2010-179; ss. 91, 117, ch. 2013-183; ss. 14, 15, ch. 2014-17.

Note.—As amended by s. 2, ch. 2002-191, as amended by s. 16, ch. 2004-357, as amended by s. 14, ch. 2014-17. For a description of multiple acts in the same session affecting a statutory provision, see preface to the *Florida Statutes*, "Statutory Construction." Subsection (3) was also amended by s. 2, ch. 2002-232, as amended by s. 10, ch. 2003-1, as amended by s. 17, ch. 2004-357, as amended by s. 15, ch. 2014-17, and that version reads:

(3) If a firefighter is accidentally killed as specified in paragraph (2)(b) on or after June 22, 1990, or unlawfully and intentionally killed as specified in paragraph (2)(c), on or after July 1, 1980, the state shall waive certain educational expenses that children of the deceased firefighter incur while obtaining a career certificate, an undergraduate education, or a graduate or postbaccalaureate professional degree. The amount waived by the state shall be an amount equal to the cost of tuition, matriculation, and other statutorily authorized fees for a total of 120 credit hours for a career certificate or an undergraduate education. For a child pursuing a graduate or postbaccalaureate professional degree, the amount waived shall equal the cost of matriculation and other statutorily authorized fees incurred while the child continues to fulfill the professional requirements associated with the graduate or postbaccalaureate professional degree program, and eligibility continues until the child's 29th birthday. The child may attend a state career center, a Florida College System institution, or a state university. The child may attend any or all of the institutions specified in this subsection, on either a full-time or part-time basis. For a child pursuing a career certificate or an undergraduate education, the benefits provided under this subsection shall continue to such a child until the child's 25th birthday. To be eligible for the benefits provided under this subsection for enrollment in a graduate or postbaccalaureate professional degree program, the child must be a state resident, as defined in s. 1009.21, at the time of enrollment.

(a) Upon failure of any child benefited by the provisions of this section to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits thereof shall be withdrawn as to the child and no further moneys expended for the child's benefits so long as such failure or delinquency continues.

(b) Only students in good standing in their respective institutions shall receive the benefits thereof.

(c) All children receiving benefits under this section shall be enrolled according to the customary rules and requirements of the institution attended.

112.1913 Effect of ch. 2003-412.—The amendments to ss. 440.02 and 440.15 which are made by this act shall not be construed to affect any determination of disability under s. 112.18, s. 112.181, or s. 112.19.

History.—s. 48, ch. 2003-412.

112.1915 Teachers and school administrators; death benefits.—Any other provision of law to the contrary notwithstanding:

(1) As used in this section, the term:

(a) “Employer” means the district school board.

(b) “Teacher” means any instructional staff personnel as described in s. 1012.01(2).

(c) “School administrator” means any school administrator as described in s. 1012.01(3).

(d) “Teaching duties” means the actual performance of duties required by a teacher’s employment during his or her regularly scheduled working hours or irregular working hours as required or assigned by the employer.

(e) “School administrator duties” means the actual performance of duties required by a school administrator’s employment during his or her regularly scheduled working hours or irregular working hours as required or assigned by the employer.

(f) “Beneficiary” means the person designated by the teacher or school administrator in writing, signed by the teacher or school administrator and delivered to the employer during the teacher’s or school administrator’s lifetime. If a beneficiary is not designated, the beneficiary is the teacher’s or school administrator’s estate.

(2) The benefits described in subsection (3) shall be provided when a teacher or school administrator is killed or injured and dies as a result of an unlawful and intentional act, provided that such killing or injury and death is the result of an act of violence inflicted by another person, and provided that:

(a) Such act is inflicted upon the teacher or school administrator while he or she is engaged in the performance of teaching duties or school administrator duties; or

(b) The motivation for such act is related in whole or in part to the fact that the individual is a teacher or school administrator.

(3) If a teacher or school administrator dies under the conditions in subsection (2), benefits shall be provided as follows:

(a) The sum of \$75,000 shall be paid, whether secured by insurance or not, to the beneficiary. The payment shall be in addition to any other insurance,

workers’ compensation, or pension benefits or other benefits that teacher or school administrator beneficiaries and dependents are entitled to under state or federal statutes and shall be exempt from the claims and demands of creditors of such teacher or school administrator, pursuant to s. 732.402(2)(d).

(b) The sum of \$1,000 shall be paid, whether secured by insurance or not, to the beneficiary toward the funeral and burial expenses of such teacher or school administrator. The payment shall be in addition to any workers’ compensation or pension benefits or other benefits that teacher or school administrator beneficiaries and dependents are entitled to under state or federal statutes and shall be exempt from the claims and demands of creditors of such teacher or school administrator, pursuant to s. 732.402(2)(d).

(c) Payment of the entire health insurance premium for the school district’s health insurance plan shall continue for the teacher’s or school administrator’s surviving spouse until remarried, and for each dependent child of the teacher or school administrator until the child reaches the age of majority or until the end of the calendar year in which the child reaches the age of 25 if:

1. At the time of the teacher’s or school administrator’s death, the child is dependent upon the teacher or school administrator for support; and

2. The surviving child continues to be dependent for support, or the surviving child is a full-time or part-time student and is dependent for support.

The district school board that employed the teacher or school administrator who is killed shall pay the health insurance premiums. The district school board shall report annually to the Department of Education the amount of premiums paid pursuant to this paragraph. The Department of Education shall provide reimbursement to the district for the premium payments.

(d) Waiver of certain educational expenses which children of the deceased teacher or school administrator incur while obtaining a career certificate or an undergraduate education shall be according to conditions set forth in this paragraph. The amount waived by the state shall be an amount equal to the cost of tuition and matriculation and registration fees for a total of 120 credit hours at a university. The child may attend a state career center, a Florida College System institution, or a state university. The child may attend any or all of the institutions specified in this paragraph, on either a full-time or part-time basis. The benefits provided under this paragraph shall continue to the child until the child’s 25th birthday.

1. Upon failure of any child benefited by the provisions of this paragraph to comply with the ordinary and minimum requirements of the institution attended, both as to discipline and scholarship, the benefits shall be withdrawn as to the child and no further moneys

may be expended for the child's benefits so long as such failure or delinquency continues.

2. A student who becomes eligible for benefits under the provisions of this paragraph while enrolled in an institution must be in good standing with the institution to receive the benefits provided herein.

3. A child receiving benefits under this paragraph must be enrolled according to the customary rules and requirements of the institution attended.

(4) State funding shall be provided annually in the General Appropriations Act.

History.—ss. 2, 5, ch. 2001-180; s. 893, ch. 2002-387; s. 24, ch. 2004-295; s. 18, ch. 2004-357; s. 34, ch. 2012-116; s. 16, ch. 2014-17.

112.193 Law enforcement, correctional, and correctional probation officers' commemorative service awards.—

(1) For the purposes of this section, the term:

(a) "Employer" means a state board, commission, department, division, bureau, or agency or a county or municipality.

(b) "Law enforcement, correctional, or correctional probation officer" means any full-time, part-time, or auxiliary officer as defined in s. 943.10(14).

(2) Each employer that employs or appoints law enforcement, correctional, or correctional probation officers may present to each such employee who retires under any provision of a state or municipal retirement system, including medical disability retirement, or who is eligible to retire under any such provision but, instead, resigns from one employer to accept an elected public office, one complete uniform including the badge worn by that officer, the officer's service handgun, if one was issued as part of the officer's equipment, and an identification card clearly marked "RETIRED."

(3) Upon the death of a law enforcement, correctional, or correctional probation officer, the employer may present to the spouse or other beneficiary of the officer, upon request, one complete uniform, including the badge worn by the officer. However, if a law enforcement, correctional, or correctional probation officer is killed in the line of duty, the employer may present, upon request, to the spouse or other beneficiary of the officer the officer's service-issued handgun, if one was issued as part of the officer's equipment. If the employer is not in possession of the service-issued handgun, the employer may, within its discretion, and upon written request of the spouse or other beneficiary, present a similar handgun. The provisions of this section shall also apply in that instance to a law enforcement or correctional officer who died before May 1, 1993. In addition, the officer's service handgun may be presented by the employer for any such officer who

was killed in the line of duty prior to this act becoming a law.

(4) Each uniform, badge, service handgun, and identification card presented under this section is to commemorate prior service and must be used only in such manner as the employer prescribes by rule. The provisions of this section shall also apply in that instance to a law enforcement officer who died before May 1, 1993.

History.—s. 1, ch. 79-335; s. 3, ch. 89-22; s. 1, ch. 93-32; s. 4, ch. 93-149.

112.194 Law enforcement and correctional officers' Medal of Valor.—

(1) Any state board, commission, department, division, bureau, or agency, or any county or municipality that employs or appoints law enforcement officers or correctional officers, as defined in s. 943.10(14), may establish an award program to award a Medal of Valor to any such officer whose actions are extraordinary and expose the officer to peril beyond the call of duty.

(2) The Medal of Valor may include, but is not limited to, a medal authorized to be worn on the officer's uniform during formal occasions and a commendation bar to be worn on the uniform during normal duty. The amount of funds that may be expended to provide a Medal of Valor shall not exceed \$250.

(3) Upon the death of such a law enforcement officer or correctional officer, the employer may present the Medal of Valor posthumously to the officer's closest living relative.

History.—s. 1, ch. 93-1.

112.21 Tax-sheltered annuities or custodial accounts for employees of governmental agencies.—A governmental agency, which means any state, county, local, or municipal governmental entity or any unit of government created or established by law, which is qualified under the United States Internal Revenue Code may provide, by written agreement between any such agency and any employee, to reduce the contract salary payable to such employee and, in consideration thereof, to pay an amount equal to the amount of such reduction to an insurance company licensed to do business in Florida; to a credit union, bank, or savings and loan association qualified to do business in Florida; or to a custodial account to be invested in regulated investment company stock to be held in such custodial account, as selected by the employee or employees, notwithstanding any other provision of law, with the concurrence of the employing agency, as premiums on an annuity contract issued in the name of such employee or as payment into a qualified custodial account established pursuant to s. 403(b) of the United States Internal Revenue Code.

(1) Any such annuity contract or custodial account shall be in such form, and be based upon such terms, as will qualify the payments thereon for tax deferment under the United States Internal Revenue Code. Such insurance annuity, savings, or investment products shall be underwritten and offered, in compliance with the applicable federal and state laws and regulations, by persons who are duly authorized by applicable state and federal authorities. All records identifying individual participants in any contract or account under this section and their personal account activities shall be confidential and are exempt from the provisions of s. 119.07(1).

(2) The amount of such reduction shall not exceed the amount excludable from income under s. 403(b) of the United States Internal Revenue Code and amendments and successor provisions thereto and shall be considered a part of the employee's salary for all purposes other than federal income taxation.

(3) The purchase of such tax-sheltered annuity or other investment qualified under the United States Internal Revenue Code and not prohibited under the laws of this state for an employee shall impose no liability or responsibility whatsoever on the employing agency except to show that the payments have been remitted for the purposes for which deducted.

History.—s. 1, ch. 74-157; s. 1, ch. 76-78; s. 2, ch. 77-295; s. 1, ch. 87-7; s. 27, ch. 90-360; s. 34, ch. 96-406.

112.215 Government employees; deferred compensation program.—

(1) This section shall be known and may be cited as the "Government Employees' Deferred Compensation Plan Act."

(2) For the purposes of this section, the term "employee" means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; any municipality; any state university board of trustees; or any constitutional county officer under s. 1(d), Art. VIII of the State Constitution for which compensation or statutory fees are paid.

(3) In accordance with a plan of deferred compensation which has been approved as herein provided, the state or any state agency, county, municipality, other political subdivision, or constitutional county officer may, by contract or a collective bargaining agreement, agree with any employee to defer all or any portion of that employee's otherwise payable compensation and, pursuant to the terms of such approved plan and in such proportions as may be designated or directed under that plan, place such deferred compensation in savings accounts or use the same to purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or such other investment products as

may have been approved for the purposes of carrying out the objectives of such plan. Such insurance, annuity, savings, or investment products shall be underwritten and offered in compliance with the applicable federal and state laws and regulations by persons who are duly authorized by applicable state and federal authorities.

(4)(a) The Chief Financial Officer, with the approval of the State Board of Administration, shall establish such plan or plans of deferred compensation for state employees and may include persons employed by a state university as defined in s. 1000.21, a special district as defined in s. 189.012, or a water management district as defined in s. 189.012, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation by and on behalf of the state and its agencies and employees.

(b) If the Chief Financial Officer deems it advisable, he or she shall have the power, with the approval of the State Board of Administration, to create a trust or other special funds for the segregation of funds or assets resulting from compensation deferred at the request of employees of the state or its agencies and for the administration of such program.

(c) The Chief Financial Officer, with the approval of the State Board of Administration, may delegate responsibility for administration of the plan to a person the Chief Financial Officer determines to be qualified, compensate such person, and, directly or through such person or pursuant to a collective bargaining agreement, contract with a private corporation or institution to provide such services as may be part of any such plan or as may be deemed necessary or proper by the Chief Financial Officer or such person, including, but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, asset purchase, control, and safekeeping, and direct disbursement of funds to employees or other beneficiaries. The Chief Financial Officer may authorize a person, private corporation, or institution to make direct disbursement of funds under the plan to an employee or other beneficiary.

(d) In accordance with such approved plan, and upon contract or agreement with an eligible employee, deferrals of compensation may be accomplished by payroll deductions made by the appropriate officer or officers of the state, with such funds being thereafter held and administered in accordance with the plan.

(e) The administrative costs of the deferred compensation plan must be wholly or partially self-funded. Fees for such self-funding of the plan shall be paid by investment providers and may be recouped from their respective plan participants. Such fees shall

be deposited in the Deferred Compensation Trust Fund.

(5) Any county, municipality, or other political subdivision of the state may by ordinance, and any constitutional county officer under s. 1(d), Art. VIII of the State Constitution of 1968 may by contract agreement or other documentation constituting approval, adopt and establish for itself and its employees a deferred compensation program. The ordinance shall designate an appropriate official of the county, municipality, or political subdivision to approve and administer a deferred compensation plan or otherwise provide for such approval and administration. The ordinance shall also designate a public official or body to make the determinations provided for in paragraph (6)(b). If a constitutional county officer elects to adopt and establish for that office and its employees a deferred compensation program, the constitutional county officer shall be the appropriate official to make the determinations provided for in this subsection and in paragraph (6)(b).

(6)(a) No deferred compensation plan of the state shall become effective until approved by the State Board of Administration and the Chief Financial Officer is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the state retirement system, and for any other retirement, pension, or benefit program established by law.

(b) No deferred compensation plan of a county, municipality, other political subdivision, or constitutional county officer shall become effective until the appropriate official or body designated under subsection (5) is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder and/or the investment products purchased pursuant to the plan will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the retirement system of the appropriate county, municipality, political subdivision, or constitutional county officer, and for any other retirement, pension, or benefit program established by law.

(7) The deferred compensation programs authorized by this section, and any plan approved and adopted as herein provided, shall exist and serve in

addition to any other retirement, pension, or benefit systems established by the state or its agencies, counties, municipalities, other political subdivisions, or constitutional county officers and shall not supersede, make inoperative, or reduce any benefits provided by the Florida Retirement System or by another retirement, pension, or benefit program established by law. All records identifying individual participants in any plan under this section and their personal account activities shall be confidential and are exempt from the provisions of s. 119.07(1).

(8)(a) There is created a Deferred Compensation Advisory Council composed of seven members.

1. One member shall be appointed by the Speaker of the House of Representatives and the President of the Senate jointly and shall be an employee of the legislative branch.

2. One member shall be appointed by the Chief Justice of the Supreme Court and shall be an employee of the judicial branch.

3. One member shall be appointed by the chair of the Public Employees Relations Commission and shall be a nonexempt public employee.

4. The remaining four members shall be employed by the executive branch and shall be appointed as follows:

a. One member shall be appointed by the Chancellor of the State University System and shall be an employee of the university system.

b. One member shall be appointed by the Chief Financial Officer and shall be an employee of the Chief Financial Officer.

c. One member shall be appointed by the Governor and shall be an employee of the executive branch.

d. One member shall be appointed by the Executive Director of the State Board of Administration and shall be an employee of the State Board of Administration.

(b) Each member shall serve for a term of 4 years from the date of appointment, except that a vacancy shall be filled by appointment for the remainder of the term.

(c) Members shall elect a chair annually.

(d) The council shall meet at the call of its chair, at the request of a majority of its membership, or at the request of the Chief Financial Officer, but not less than twice a year. The business of the council shall be presented to the council in the form of an agenda. The agenda shall be set by the Chief Financial Officer and shall include items of business requested by the council members.

(e) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

(f) The council shall make a report of each meeting to the Chief Financial Officer, which shall

show the names of the members present and shall include a record of its discussions, recommendations, and actions taken. The Chief Financial Officer shall keep the records of the proceedings of each meeting on file and shall make the records available to any interested person or group.

(g) Members of the council shall serve without compensation but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(h) The advisory council shall provide assistance and recommendations to the Chief Financial Officer relating to the provisions of the plan, the insurance or investment options to be offered under the plan, and any other contracts or appointments deemed necessary by the council and the Chief Financial Officer to carry out the provisions of this act. The Chief Financial Officer shall inform the council of the manner in which each council recommendation is being addressed. The Chief Financial Officer shall provide the council, at least annually, a report on the status of the deferred compensation program, including, but not limited to, information on participant enrollment, amount of compensation deferred, total plan assets, product provider performance, and participant satisfaction with the program.

(9) The purchase of any insurance contract or annuity or the investment in another investment option under any plan of deferred compensation provided for in the United States Internal Revenue Code and not prohibited under the laws of this state for an employee shall impose no liability or responsibility whatsoever on the state, county, municipality, other political subdivision, or constitutional county officer, except to show that the payments have been remitted for the purposes for which the compensation has been deferred.

(10)(a) The moneys, pensions, annuities, or other benefits accrued or accruing to any person under the provisions of any plan providing for the deferral of compensation and the accumulated contributions and the cash and securities in the funds created thereunder are hereby exempt from any state, county, or municipal tax. They shall not be subject to execution or attachment or to any legal process whatsoever by a creditor of the employee and shall be unassignable by the employee.

(b)1. There is created in the State Treasury the Deferred Compensation Trust Fund, through which the Chief Financial Officer as trustee shall hold moneys, pensions, annuities, or other benefits accrued or accruing under and pursuant to 26 U.S.C. s. 457 and the deferred compensation plan provided for therein and adopted by this state; and

a. All amounts of compensation deferred thereunder;

b. All property and rights purchased with such amounts; and

c. All income attributable to such amounts, property, or rights.

2. Notwithstanding the mandates of 26 U.S.C. s. 457(b)(6), all of the assets specified in subparagraph 1. shall be held in trust for the exclusive benefit of participants and their beneficiaries as mandated by 26 U.S.C. s. 457(g)(1).

(11) With respect to any funds held pursuant to a deferred compensation plan, any investment option provider that is a bank or savings association and that provides time deposit accounts and certificates of deposit as an investment product to the plan participants may, with the approval of the State Board of Administration for providers in the state plan, or with the approval of the appropriate official or body designated under subsection (5) for a plan of a county, municipality, other political subdivision, or constitutional county officer, be exempt from the provisions of chapter 280 requiring it to be a qualified public depository, provided:

(a) The bank or savings association shall, to the extent that the time deposit accounts or certificates of deposit are not insured by the Federal Deposit Insurance Corporation, deposit or issue collateral with the Chief Financial Officer for all state funds held by it under a deferred compensation plan, or with such other appropriate official for all public funds held by it under a deferred compensation plan of a county, municipality, other political subdivision, or constitutional county officer, in an amount which equals at least 150 percent of all uninsured deferred compensation funds then held.

(b) Said collateral shall be of the kind permitted by s. 280.13 and shall be pledged in the manner provided for by the applicable provisions of chapter 280.

The Chief Financial Officer shall have all the applicable powers provided in ss. 280.04, 280.05, and 280.08 relating to the sale or other disposition of the pledged collateral.

(12) The Chief Financial Officer may adopt any rule necessary to administer and implement this act with respect to deferred compensation plans for state employees and persons employed by a state university as defined in s. 1000.21, a special district as defined in s. 189.012, or a water management district as defined in s. 189.012.

(13) When permitted by federal law, the plan administrator may provide for a pretax trustee-to-trustee transfer of amounts in a participant's deferred compensation account for the purchase of prior service credit in a public sector retirement system.

(14) This subsection may not impair an existing contract. In each county that has one or more constitutional county officers, the board of county

commissioners and the constitutional county officers shall negotiate a joint deferred compensation program for all their respective employees under s. 163.01. If all parties to the negotiation cannot agree upon a joint deferred compensation program, the provisions of subsection (5) apply.

History.—s. 1, ch. 75-295; s. 1, ch. 76-279; s. 1, ch. 82-46; s. 1, ch. 83-43; s. 2, ch. 87-7; ss. 1, 3, 4, ch. 87-35; s. 1, ch. 87-138; s. 1, ch. 89-123; s. 28, ch. 90-360; s. 5, ch. 91-429; s. 694, ch. 95-147; s. 2, ch. 96-216; s. 35, ch. 96-406; s. 1, ch. 97-8; s. 40, ch. 99-2; s. 2, ch. 99-159; s. 40, ch. 2001-43; s. 2, ch. 2001-265; s. 126, ch. 2003-261; ss. 7, 8, ch. 2003-399; s. 3, ch. 2004-41; s. 8, ch. 2004-390; s. 3, ch. 2016-132.

112.217 Department of Highway Safety and Motor Vehicles; employees' benefit fund.—The Department of Highway Safety and Motor Vehicles is authorized to adopt rules creating and providing for the operation of an employees' benefit fund for employees of the Department of Highway Safety and Motor Vehicles. The proceeds of the vending machines located in buildings occupied and used by the department, or such portions thereof as the department by rule may provide, shall be paid into such fund to be used for such benefits and purposes as the department by rule may provide.

History.—s. 1, ch. 81-37.

112.218 Department of Highway Safety and Motor Vehicles personnel files; fees for copies.—The Department of Highway Safety and Motor Vehicles is authorized to charge the following fees for copies of its personnel files:

- (1) Copies, per page - \$0.50.
- (2) Certified copies, per page - \$1.00.

Fees collected pursuant to this section shall be deposited in the General Revenue Fund.

History.—s. 1, ch. 82-130.

PART II

INTERCHANGE OF PERSONNEL BETWEEN GOVERNMENTS

- 112.24** Intergovernmental interchange of public employees.
- 112.25** Declaration of policy.
- 112.26** Definitions.
- 112.27** Authority to interchange employees.
- 112.28** Status of employees of this state.
- 112.29** Travel expenses of employees of this state.
- 112.30** Status of employees of other governments.
- 112.31** Travel expenses of employees of other governments.

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(1) Details of an employee interchange program shall be the subject of an agreement, which may be extended or modified, between a sending party and a receiving party. State agencies shall report such agreements and any extensions or modifications thereto to the Department of Management Services.

(2) The period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years. Upon agreement of the sending party and the receiving party and under the same or modified terms, an assignment or detail of 2 years may be extended by 3 months. However, agreements relating to faculty members of the State University System may be extended biennially upon approval by the Department of Management Services. If the appointing agency is the Governor or the Governor and Cabinet, the period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years plus an extension of 3 months or the number of years left in the term of office of the Governor, whichever is less.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(a) An employee of a sending party who is participating in an interchange agreement may be considered as on detail to regular work assignments of the sending party or in a leave status from the sending party except that the receiving agency shall pay the salary and benefits of such employee during the time, in excess of 1 week, that the employee is working for the receiving agency. However, an employee of a sending party who is participating in an interchange agreement pursuant to s. 10, chapter 91-429, Laws of Florida, shall be considered as on detail to regular work assignments of the sending party, and the sending party shall reimburse the receiving agency for the salary and benefits and expenses of such employee and any other direct costs of conducting the inspections during the time the employee is working for the receiving agency.

1. If on detail, an employee shall receive the same salary and benefits as if he or she were not on detail and shall remain the employee of the sending party for all purposes except that supervision during the period of detail may be governed by the interchange agreement.

2. If on leave, an employee shall have the same rights, benefits, and obligations as other employees in a leave status subject to exceptions provided in rules for state employees issued by the department or the rules or other decisions of the governing body of the municipality or political subdivision.

(b) The assignment of an employee of a state agency on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

(c) If the rate of pay for an employee of an agency of the state on temporary assignment or on leave of absence is less than the rate of pay he or she would have received had the employee continued in his or her regular position, such employee is entitled to receive supplemental pay from the sending party in an amount equal to such difference.

(d) Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending party's employee compensation program, as an employee who sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which the employee is entitled to, and elects to receive, similar benefits under the receiving party's employee compensation program.

(e) A sending party in this state may, in accordance with the travel regulations of such party, pay the travel expenses of an employee who is

assigned to a receiving party on either detail or leave basis, but shall not pay the travel expenses of such an employee incurred in connection with work assignments at the receiving party. If the assignment or detail will exceed 8 months, travel expenses may include expenses to transport immediate family, household goods, and personal effects to and from the location of the receiving party. If the period of assignment is 3 months or less, the sending party may pay a per diem allowance to the employee on assignment or detail.

(4)(a) When any agency, municipality, or political subdivision of this state acts as a receiving party, an employee of the sending party who is assigned under authority of this section may be given appointments by the receiving party covering the periods of such assignments, with compensation to be paid from the receiving party's funds, or without compensation, or be considered to be on detail to the receiving party.

(b) Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving party.

(c) During the period of an assignment, the employee who is detailed to the receiving party shall not by virtue of such detail be considered an employee of the receiving party, except as provided in paragraph (d), nor shall the employee be paid a wage or salary by the receiving party. The supervision of an employee during the period of the detail may be governed by agreement between the sending party and the receiving party. A detail of an employee to a state agency may be made with or without reimbursement to the sending party by the receiving party for the pay and benefits, or a part thereof, of the employee during the period of the detail.

(d) If the sending party of an employee assigned to an agency, municipality, or political subdivision of this state fails to continue making the employer's contribution to the retirement, life insurance, and health benefit plans for that employee, the receiving party of this state may make the employer's contribution covering the period of the assignment or any part thereof.

(e) Any employee of a sending party assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of the receiving party's employee compensation program, as an employee who has sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which he or she elects to receive similar benefits as an employee under the sending party's employee compensation program.

(f) A receiving party in this state may, in accordance with the travel regulations of such party, pay travel expenses of persons assigned thereto during the period of such assignments on the same basis as if they were regular employees of the receiving party.

(5) An agency may enter into agreements with private institutions of higher education in this state as the sending or receiving party as specified in subsections (3) and (4).

¹(6) For the 2016-2017 fiscal year only, the assignment of an employee of a state agency as provided in this section may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action pursuant to s. 216.177. This subsection expires July 1, 2017.

History.—s. 149, ch. 79-190; s. 1, ch. 85-1; s. 2, ch. 88-557; s. 1, ch. 89-315; s. 19, ch. 89-367; s. 43, ch. 92-279; s. 55, ch. 92-326; s. 695, ch. 95-147; s. 33, ch. 96-399; s. 2, ch. 98-331; s. 14, ch. 2008-153; s. 50, ch. 2009-82; s. 57, ch. 2010-153; s. 61, ch. 2011-47; s. 40, ch. 2012-119; s. 39, ch. 2013-41; s. 53, ch. 2014-53; s. 75, ch. 2015-222; s. 114, ch. 2016-62.

Note.—Section 114, ch. 2016-62, amended subsection (6) “[i]n order to implement appropriations for salaries and benefits in the 2016-2017 General Appropriations Act.”

112.25 Declaration of policy.—The state recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation.

History.—s. 1, ch. 65-524.

112.26 Definitions.—For the purposes of this part of chapter 112 the following words and phrases have the meanings ascribed to them in this section.

(1) “Sending agency” means any department or agency of the federal government or a state government which sends any employee thereof to another government agency under this part.

(2) “Receiving agency” means any department or agency of the federal government or a state government which receives an employee of another government under this part.

History.—s. 2, ch. 65-524.

112.27 Authority to interchange employees.—

(1) Any department, agency, or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the state, the Federal Government, or another state, as a sending or receiving agency.

(2) The period of individual assignment or detail under an interchange program shall not exceed 12 months, nor shall any person be assigned or detailed for more than 12 months during any 36-month period. Details relating to any matter covered in this part may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

History.—s. 3, ch. 65-524; s. 3, ch. 98-331.

112.28 Status of employees of this state.—

(1) Employees of a sending agency participating in an exchange of personnel as authorized in s. 112.27 may be considered during such participation to be on detail to regular work assignments of the sending agency.

(2) Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

(3) Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency’s employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that act for any period for which he or she is entitled to and elects to receive similar benefits under the receiving agency’s employee compensation program.

History.—s. 4, ch. 65-524; s. 696, ch. 95-147.

112.29 Travel expenses of employees of this state.—A sending agency in this state may, in accordance with the travel regulations of such agency,

pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but shall not pay the travel expenses of such employees incurred in connection with their work assignments at the receiving agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment or detail.

History.—s. 5, ch. 65-524.

112.30 Status of employees of other governments.—

(1) When any unit of government of this state acts as a receiving agency, employees of the sending agency who are assigned under authority of this part may be considered to be on detail to the receiving agency.

(2) Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency. Such person shall be in the unclassified service of the state.

(3) Employees who are detailed to the receiving agency shall not by virtue of such detail be considered to be employees thereof, except as provided in subsection (4), nor shall they be paid a salary or wage by the receiving agency during the period of their detail. The supervision of the duties of such employees during the period of detail may be governed by agreement between the sending agency and the receiving agency.

(4) Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of sending agency's employee compensation program, as an employee, as defined in such act, who has sustained such injury in the performance of such duty, but shall not receive benefits under that act for any period for which he or she elects to receive similar benefits as an employee under the receiving agency's employee compensation program.

History.—s. 6, ch. 65-524; s. 697, ch. 95-147.

112.31 Travel expenses of employees of other governments.—A receiving agency in this state may, in accordance with the travel regulations of such agency, pay travel expenses of persons assigned thereto under this part during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

History.—s. 7, ch. 65-524.

PART III

CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

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112.311 Legislative intent and declaration of policy.—

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(2) It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

(3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities

of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

(4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

(5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

History.—s. 1, ch. 67-469; s. 1, ch. 69-335; s. 1, ch. 74-177; s. 2, ch. 75-208; s. 698, ch. 95-147.

112.312 Definitions.—As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(1) “Advisory body” means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000,

whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012.

(3) "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

(4) "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or coowner of property.

(5) "Business entity" means any corporation, partnership, limited partnership, company, limited liability company, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(6) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.

(7) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(8) "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(9) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

(10) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the

financial disclosure statement required by this part is required to be filed.

(11) "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

(12)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
2. Except as provided in s. 112.31485, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported

pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

(13) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(14) "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

(15) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

(16) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(17) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(18) "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.

(19) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(20) "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.

(21) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with

whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

(22) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(23) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(24) "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

History.—s. 2, ch. 67-469; ss. 11, 12, ch. 68-35; s. 8, ch. 69-353; s. 2, ch. 74-177; s. 1, ch. 75-196; s. 1, ch. 75-199; s. 3, ch. 75-208; s. 4, ch. 76-18; s. 1, ch. 77-174; s. 2, ch. 82-98; s. 1, ch. 83-282; s. 2, ch. 90-502; s. 2, ch. 91-85; s. 3, ch. 91-292; s. 699, ch. 95-147; s. 1, ch. 96-328; s. 1, ch. 2000-243; ss. 28, 30, ch. 2011-6; s. 75, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 1, ch. 2013-36; s. 3, ch. 2014-22.

112.3125 Dual public employment.—

(1) As used in this section, the term "public officer" includes any person who is elected to state or local office or, for the period of his or her candidacy, any person who has qualified as a candidate for state or local office.

(2) A public officer may not accept public employment with the state or any of its political subdivisions if the public officer knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the public officer's office or candidacy.

(3) Any public employment accepted by a public officer must meet all of the following conditions:

(a) The position was already in existence or was created by the employer without the knowledge or anticipation of the public officer's interest in such position;

(b) The position was publicly advertised;

(c) The public officer was subject to the same application and hiring process as other candidates for the position; and

(d) The public officer meets or exceeds the required qualifications for the position.

(4) A person who was employed by the state or any of its political subdivisions before qualifying as a public officer for his or her current term of office or the next available term of office may continue his or her employment. However, he or she may not accept promotion, advancement, additional compensation, or anything of value that he or she knows, or with the exercise of reasonable care should know, is provided or given as a result of his or her election or position, or that is otherwise inconsistent with the promotion,

advancement, additional compensation, or anything of value provided or given an employee who is similarly situated.

(5) This section may not be interpreted as authorizing employment that is otherwise prohibited by law.

History.—s. 2, ch. 2013-36.

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE'S AGENCY.**—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

(a) October 1, 1975.

(b) Qualification for elective office.

(c) Appointment to public office.

(d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer,

employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity

resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) **POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.**—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or

not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the

business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees

shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and

2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The "government body or agency" of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The "government body or agency" of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The "government body or agency" of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer

or employee of the municipality, and their immediate support staff.

(d) The “government body or agency” of an elected special district officer is the special district.

(e) The “government body or agency” of an elected school district officer is the school district.

(15) **ADDITIONAL EXEMPTION.**—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer’s agency and:

(a) The officer’s employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency’s decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer’s employer, publicly states to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) **LOCAL GOVERNMENT ATTORNEYS.**—

(a) For the purposes of this section, “local government attorney” means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, “unit of local government” includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government

to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney’s law firm to be completed for the unit of local government.

(17) **BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.**—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275; s. 10, ch. 2007-217; s. 16, ch. 2011-34; s. 3, ch. 2013-36.

112.3135 Restriction on employment of relatives.—

(1) In this section, unless the context otherwise requires:

(a) “Agency” means:

1. A state agency, except an institution under the jurisdiction of the Board of Governors of the State University System;
2. An office, agency, or other establishment in the legislative branch;
3. An office, agency, or other establishment in the judicial branch;
4. A county;
5. A city; and
6. Any other political subdivision of the state, except a district school board or community college district.

(b) “Collegial body” means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(c) “Public official” means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

(d) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

(b) Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34, of individuals whose employment would be otherwise prohibited by this section.

(4) Legislators' relatives may be employed as pages or messengers during legislative sessions.

History.—ss. 1, 2, 3, ch. 69-341; ss. 15, 35, ch. 69-106; s. 70, ch. 72-221; s. 3, ch. 83-334; s. 1, ch. 89-67; s. 4, ch. 90-502; s. 2, ch. 94-277; s. 1407, ch. 95-147; s. 1, ch. 98-160; s. 42, ch. 99-2; s. 11, ch. 2007-217; s. 47, ch. 2011-142.

Note.—Former s. 116.111.

112.3136 Standards of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.—

The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any

business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision, for the purposes of the following sections, are public officers and employees who are subject to the following standards of conduct of this part:

(1) Section 112.313, and their "agency" is the political subdivision that they serve; however, the contract under which the business entity serves as chief executive or administrative officer of the political subdivision is not deemed to violate s. 112.313(3) or (7).

(2) Section 112.3145, as a "local officer."

(3) Sections 112.3148 and 112.3149, as a "reporting individual."

History.—s. 1, ch. 2009-126.

112.3142 Ethics training for specified constitutional officers and elected municipal officers.—

(1) As used in this section, the term "constitutional officers" includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

(2)(a) All constitutional officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(b) Beginning January 1, 2015, all elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

(c) The commission shall adopt rules establishing minimum course content for the portion of an ethics training class which addresses s. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.

(d) The Legislature intends that a constitutional officer or elected municipal officer who is required to complete ethics training pursuant to this section

receive the required training as close as possible to the date that he or she assumes office. A constitutional officer or elected municipal officer assuming a new office or new term of office on or before March 31 must complete the annual training on or before December 31 of the year in which the term of office began. A constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which the term of office began.

(3) Each house of the Legislature shall provide for ethics training pursuant to its rules.

History.—s. 4, ch. 2013-36; s. 2, ch. 2014-183.

112.31425 Qualified blind trusts.—

(1) The Legislature finds that if a public officer creates a trust and does not control the interests held by the trust, his or her official actions will not be influenced or appear to be influenced by private considerations.

(2) If a public officer holds a beneficial interest in a qualified blind trust as described in this section, he or she does not have a conflict of interest prohibited under s. 112.313(3) or (7) or a voting conflict of interest under s. 112.3143 with regard to matters pertaining to that interest.

(3) The public officer may not attempt to influence or exercise any control over decisions regarding the management of assets in a qualified blind trust. The public officer or any person having a beneficial interest in the qualified blind trust may not make any effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto, except as otherwise provided in this section.

(4) Except for communications that consist solely of requests for distributions of cash or other unspecified assets of the trust, the public officer or the person who has a beneficial interest may not have any direct or indirect communication with the trustee with respect to the trust, unless such communication is in writing and relates only to:

(a) A distribution from the trust which does not specify the source or assets within the trust from which the distribution is to be made in cash or in kind;

(b) The general financial interests and needs of the public officer or the person who has a beneficial interest, including, but not limited to, an interest in maximizing income or long-term capital gain;

(c) A notification of the trustee of a law or regulation subsequently applicable to the public officer which prohibits the officer from holding an asset and directs that the asset not be held by the trust; or

(d) A direction to the trustee to sell all of an asset initially placed in the trust by the public officer which, in the determination of the public officer, creates a conflict

of interest or the appearance thereof due to the subsequent assumption of duties by the public officer.

(5) The public officer shall report the beneficial interest in the qualified blind trust and its value as an asset on his or her financial disclosure form, if the value is required to be disclosed. The public officer shall report the blind trust as a primary source of income on his or her financial disclosure forms and its amount, if the amount of income is required to be disclosed. The public officer is not required to report as a secondary source of income any source of income to the blind trust.

(6) In order to constitute a qualified blind trust, the trust established by the public officer must meet the following requirements:

(a) The appointed trustee must be a bank, trust company, or other institutional fiduciary or an individual who is an attorney, certified public accountant, broker, or investment advisor. If the trustee is an individual or if the trustee is a bank, trust company, or other institutional fiduciary, the individual responsible for managing the trust may not be:

1. The public officer's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, or first cousin, or the spouse of any such person;

2. A person who is an elected or appointed public officer or a public employee;

3. A person who has been appointed to serve in an agency by the public officer or by a public officer or public employee supervised by the public officer; or

4. A business associate or principal of the public officer.

(b) All assets in the trust must be free of any restrictions with respect to their transfer or sale. The trust may not contain investments or assets the transfer of which by the trustee is improbable or impractical without the public officer's knowledge.

(c) The trust agreement must:

1. Contain a statement that its purpose is to remove from the grantor control and knowledge of investment of trust assets so that conflicts between the grantor's responsibilities as a public officer and his or her private interests are eliminated.

2. Give the trustee complete discretion to manage the trust, including, but not limited to, the power to dispose of and acquire trust assets without consulting or notifying the covered public officer or the person having a beneficial interest in the trust.

3. Prohibit communication between the trustee and the public officer, or the person who has a beneficial interest in the trust, concerning the holdings or sources of income of the trust, except amounts of cash value or net income or loss, if such report does not identify any asset or holding, or except as provided in this section.

4. Provide that the trust tax return is prepared by the trustee or his or her designee and that any information relating thereto is not disclosed to the public officer or to the person who has a beneficial interest, except as provided in this section.

5. Permit the trustee to notify the public officer of the date of disposition and value at disposition of any original investment or interest in real property to the extent required by federal tax law so that the information can be reported on the public officer's applicable tax returns.

6. Prohibit the trustee from disclosing to the public officer or the person who has a beneficial interest any information concerning replacement assets to the trust, except for the minimum tax information necessary to enable the public official to complete an individual tax return required by law.

(d) Within 5 business days after the agreement is executed, the public officer shall file with the commission a notice setting forth:

1. The date that the agreement is executed.
2. The name and address of the trustee.
3. The acknowledgment by the trustee that he or she has agreed to serve as trustee.

4. A certification by the trustee on a form prescribed by the commission that the trust meets all of the requirements of this section. In lieu of said certification, the public officer may file a copy of the trust agreement.

5. A complete list of assets placed in the trust that the public officer would be required to disclose pursuant to s. 112.3144 or s. 112.3145.

(7) If the trust is revoked while the covered public official is a public officer, or if the covered public official learns of any replacement assets that have been added to the trust, the covered public official shall file an amendment to his or her most recent financial disclosure statement. The amendment shall be filed no later than 60 days after the date of revocation or the addition of the replacement assets. The covered public official shall disclose the previously unreported pro rata share of the trust's interests in investments or income deriving from any such investments. For purposes of this section, any replacement asset that becomes known to the covered public official shall thereafter be treated as though it were an original asset of the trust.

History.—s. 5, ch. 2013-36.

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Principal by whom retained" means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client,

employer, or the parent, subsidiary, or sibling organization of one's client or employer.

(b) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) "Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the

member's respective house if the member discloses the information required by this subsection.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting

and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

(6) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.—s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2; s. 6, ch. 2013-36.

112.3144 Full and public disclosure of financial interests.—

(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics. Additionally, beginning January 1, 2015, an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her full and public disclosure of financial interests that he or she has completed the required training.

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part. If an incumbent in an elective office has filed the full and public disclosure of financial interests to qualify for election to the same office or if a candidate for office holds another office subject to the annual filing requirement, the qualifying officer shall forward an electronic copy of the full and public disclosure of financial interests to the commission no later than July 1. The electronic copy of the full and public disclosure of financial interests satisfies the annual disclosure requirement of this section. A candidate who does not qualify until after the annual full and public disclosure

of financial interests has been filed pursuant to this section shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(3) For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over \$1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":

- (a) Jewelry;
- (b) Collections of stamps, guns, and numismatic properties;
- (c) Art objects;
- (d) Household equipment and furnishings;
- (e) Clothing;
- (f) Other household items; and
- (g) Vehicles for personal use.

(4)(a) With respect to reporting, on forms prescribed under this section, assets valued in excess of \$1,000 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property. However, assets that are held jointly, with right of survivorship, must be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own a percentage of a partnership which is equal to the reporting individual's interest in the capital or equity of the partnership.

(b)1. With respect to reporting liabilities valued in excess of \$1,000 on forms prescribed under this section for which the reporting individual is jointly and severally liable, the amount reported shall be based on the reporting individual's percentage of liability rather than the total amount of the liability. However, liability for a debt that is secured by property owned by the reporting individual but that is held jointly, with right of survivorship, must be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in subparagraph 1.

(5) Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution shall be created by the Commission on Ethics. The commission shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) Not later than May 1 of each year, the commission shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law. In compiling the list, the commission shall be assisted by each unit of government in providing at the request of the commission the name, address, and name of the

office held by each public official within the respective unit of government.

(b) Not later than 30 days before July 1 of each year, the commission shall mail a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the mailing list.

(c) Not later than 30 days after July 1 of each year, the commission shall determine which persons on the mailing list have failed to file full and public disclosure and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year.

(d) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(e) Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

- a. When a statement is actually received by the office.
- b. When the statement is postmarked.
- c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.

2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to

subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(f) Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the commission's mailing list of persons required to file full and public disclosure is not subject to the fines or penalties provided in this part for failure to file full and public disclosure in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.

(g) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (7).

(h) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(6) If a person holding public office or public employment fails or refuses to file a full and public disclosure of financial interests for any year in which the person received notice from the commission regarding the failure to file and has accrued the maximum automatic fine authorized under this section, regardless of whether the fine imposed was paid or collected, the commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful. Such investigation and hearing must be conducted in accordance with s. 112.324. Except as

provided in s. 112.324(4), if the commission determines that the person willfully failed to file a full and public disclosure of financial interests, the commission shall enter an order recommending that the officer or employee be removed from his or her public office or public employment.

(7) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection.

(8)(a) The commission shall treat an amended full and public disclosure of financial interests which is filed before September 1 of the year in which the disclosure is due as the original filing, regardless of whether a complaint has been filed. If a complaint alleges only an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint other than notifying the filer of the complaint. The filer must be given 30 days to file an amended full and public disclosure of financial interests correcting any errors. If the filer does not file an amended full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) For purposes of the final full and public disclosure of financial interests, the commission shall treat a new final full and public disclosure of financial interests as the original filing if filed within 60 days after the original filing, regardless of whether a complaint has been filed. If, more than 60 days after a final full and public disclosure of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file a new final full and public disclosure of financial interests correcting any errors. If the filer does not file a new final full and public disclosure of financial interests within 30 days after the commission sends notice of

the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify completion of annual ethics training required under s. 112.3142 does not constitute an immaterial, inconsequential, or de minimis error or omission.

(9)(a) An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual required to file is not a violation of this section.

(b) An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate's campaign depository pursuant to s. 106.021.

(10) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

History.—s. 1, ch. 82-98; s. 3, ch. 88-358; s. 19, ch. 91-45; s. 4, ch. 94-277; s. 1409, ch. 95-147; s. 2, ch. 2000-243; s. 30, ch. 2000-258; s. 127, ch. 2003-261; s. 3, ch. 2006-275; s. 7, ch. 2013-36; s. 3, ch. 2014-183.

112.31445 Electronic filing system; full and public disclosure of financial interests.—

(1) As used in this section, the term “electronic filing system” means an Internet system for recording and reporting full and public disclosure of financial interests or any other form that is required pursuant to s. 112.3144.

(2) Beginning with the 2012 filing year, all full and public disclosures of financial interests filed with the commission pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must be scanned and made publicly available by the commission through a searchable Internet database.

(3) By December 1, 2015, the commission shall submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system. The proposal must, at a minimum:

(a) Provide for access through the Internet.

(b) Establish a procedure to make filings available in a searchable format that is accessible by an individual using standard web-browsing software.

(c) Provide for direct completion of the full and public disclosure of financial interests forms as well as upload such information using software approved by the commission.

(d) Provide a secure method that prevents unauthorized access to electronic filing system functions.

(e) Provide a method for an attorney or certified public accountant licensed in this state to sign the disclosure form to indicate that he or she prepared the form in accordance with s. 112.3144 and the instructions for completing and filing the disclosure form and that, upon his or her reasonable knowledge and belief, the form is true and correct.

(f) Address whether additional statutory or rulemaking authority is necessary for implementation of the system, and must include, at a minimum, the following elements: alternate filing procedures to be used in the event that the commission's electronic filing system is inoperable, issuance of an electronic receipt via electronic mail indicating and verifying to the individual who submitted the full and public disclosure of financial interests form that the form has been filed, and a determination of the feasibility and necessity of including statements of financial interests filed pursuant to s. 112.3145 in the proposed system.

History.—s. 8, ch. 2013-36.

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) “Local officer” means:

1. Every person who is elected to office in any political subdivision of the state, and every person who

is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:

a. The governing body of the political subdivision, if appointed;

b. A community college or junior college district board of trustees;

c. A board having the power to enforce local code provisions;

d. A planning or zoning board, board of adjustment, board of appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;

e. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or

f. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; finance director of a county, municipality, or other political subdivision; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a criminal conflict and civil regional counsel, an assistant criminal conflict and civil regional counsel, a full-time state employee who serves as counsel or assistant counsel to any state agency, the Deputy Chief Judge

of Compensation Claims, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. The State Surgeon General or each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Governors of the State University System or a state university board of trustees, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

4. A member of the judicial nominating commission for any district court of appeal or any judicial circuit.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time

he or she files, qualifying papers. When a candidate has qualified for office prior to the deadline to file an annual statement of financial interests, the statement of financial interests that is filed with the candidate's qualifying papers shall be deemed to satisfy the annual disclosure requirement of this section. The qualifying officer must record that the statement of financial interests was timely filed. However, if a candidate does not qualify until after the annual statement of financial interests has been filed, the candidate may file a copy of his or her statement with the qualifying officer.

(b) Each state or local officer and each specified state employee shall file a statement of financial interests no later than July 1 of each year. Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period. Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers and specified state employees shall file their statements of financial interests with the Commission on Ethics. Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside. Local officers who do not permanently reside in any county in the state shall file their statements of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include, at the filer's option, either:

(a)1. All sources of income in excess of 5 percent of the gross income received during the disclosure

period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every individual liability that equals more than the reporting person's net worth; or

(b)1. All sources of gross income in excess of \$2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of \$10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of \$10,000.

A person filing a statement of financial interests shall indicate on the statement whether he or she is using the method specified in paragraph (a) or paragraph (b).

(4) Beginning January 1, 2015, an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her statement of financial interests that he or she has completed the required training.

(5) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the commission. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than the last day of each calendar quarter, for the previous calendar quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or the Deputy Chief Judge of Compensation Claims or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(6) Each elected constitutional officer and each candidate for such office, any other public officer required pursuant to s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests, and each state officer, local officer, specified state employee, and candidate for elective public office who is or was during the disclosure period an officer, director, partner, proprietor, or agent, other than a resident agent solely for service of process, of, or owns or owned during the disclosure period a material interest in, any business entity which is granted a privilege to operate in this

state shall disclose such facts as a part of the disclosure form filed pursuant to s. 8, Art. II of the State Constitution or this section, as applicable. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest.

(7) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be created by the commission and provided to each supervisor of elections. The commission and each supervisor of elections shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a)1. Not later than May 1 of each year, the commission shall prepare a current list of the names and addresses of, and the offices or positions held by, every state officer, local officer, and specified employee. In compiling the list, the commission shall be assisted by each unit of government in providing, at the request of the commission, the name, address, and name of agency of, and the office or position held by, each state officer, local officer, or specified state employee within the respective unit of government.

2. Not later than May 15 of each year, the commission shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor of elections.

(b) Not later than 30 days before July 1 of each year, the commission and each supervisor of elections, as appropriate, shall mail a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests.

(c) Not later than 30 days after July 1 of each year, the commission and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail, return receipt requested, to these persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500; for notices sent by a supervisor of elections, that he or she is required by law to notify the commission of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such

person will also be subject to the penalties provided in s. 112.317.

(d) No later than November 15 of each year, the supervisor of elections in each county shall certify to the commission a list of the names and addresses of, and the offices or positions held by, all persons who have failed to timely file the required statements of financial interests. The certification must include the earliest of the dates described in subparagraph (f)1. The certification shall be on a form prescribed by the commission and shall indicate whether the supervisor of elections has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(f) Any person who is required to file a statement of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however, this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

- a. When a statement is actually received by the office.
- b. When the statement is postmarked.
- c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.

2. For a specified state employee or a state officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, and for a local officer upon receipt by the commission of the certification from the local officer's supervisor of elections pursuant to paragraph (d), the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under

subparagraph 3. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys are to be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(g) Any state officer, local officer, or specified employee whose name is not on the mailing list of persons required to file an annual statement of financial interests is not subject to the penalties provided in s. 112.317 or the fine provided in this section for failure to timely file a statement of financial interests in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.

(h) The notification requirements and fines of this subsection do not apply to candidates or to the first or final filing required of any state officer, specified employee, or local officer as provided in paragraph (2)(b).

(i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such a fine to a collection agent as provided in s. 17.20.

(8)(a) The appointing official or body shall notify each newly appointed local officer, state officer, or specified state employee, not later than the date of appointment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The agency head of each employing agency shall notify each newly employed local officer or specified state employee, not later than the day of employment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The appointing official or body or employing agency head may designate a person to be responsible for the notification requirements of this paragraph.

(b) The agency head of the agency of each local officer, state officer, or specified state employee who is required to file a statement of financial interests for the

final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this paragraph.

(c) If a person holding public office or public employment fails or refuses to file an annual statement of financial interests for any year in which the person received notice from the commission regarding the failure to file and has accrued the maximum automatic fine authorized under this section, regardless of whether the fine imposed was paid or collected, the commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful. Such investigation and hearing must be conducted in accordance with s. 112.324. Except as provided in s. 112.324(4), if the commission determines that the person willfully failed to file a statement of financial interests, the commission shall enter an order recommending that the officer or employee be removed from his or her public office or public employment.

(9) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of the disclosure with the officer before whom he or she qualifies as a candidate at the time of qualification.

(10)(a) The commission shall treat an amended annual statement of financial interests which is filed before September 1 of the year in which the statement is due as the original filing, regardless of whether a complaint has been filed. If a complaint alleges only an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint other than notifying the filer of the complaint. The filer must be given 30 days to file an amended statement of financial interests correcting any errors. If the filer does not file an amended statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) For purposes of the final statement of financial interests, the commission shall treat a new final statement of financial interests as the original filing, if filed within 60 days of the original filing regardless of whether a complaint has been filed. If, more than 60 days after a final statement of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or

omission, the commission may not take any action on the complaint other than notifying the filer of the complaint. The filer must be given 30 days to file a new final statement of financial interests correcting any errors. If the filer does not file a new final statement of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify completion of annual ethics training required under s. 112.3142 does not constitute an immaterial, inconsequential, or de minimis error or omission.

(11)(a) An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual who is required to file the disclosure does not constitute a violation of this section.

(b) An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate's campaign depository pursuant to s. 106.021.

(12) The commission shall adopt rules and forms specifying how a state officer, local officer, or specified state employee may amend his or her statement of financial interests to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

History.—s. 5, ch. 74-177; ss. 2, 6, ch. 75-196; s. 2, ch. 76-18; s. 1, ch. 77-174; s. 63, ch. 77-175; s. 54, ch. 79-40; s. 3, ch. 82-98; s. 2, ch. 83-128; ss. 2, 5, ch. 83-282; s. 3, ch. 84-318; s. 1, ch. 88-316; s. 1, ch. 90-169; s. 5, ch. 90-502; s. 27, ch. 91-46; s. 6, ch. 91-85; s. 6, ch. 91-292; ss. 5, 13, ch. 94-277; s. 3, ch. 94-340; s. 1410, ch. 95-147; s. 14, ch. 96-410; s. 31, ch. 97-286; s. 17, ch. 99-399; s. 2, ch. 2000-161; s. 3, ch. 2000-243; s. 31, ch. 2000-258; s. 23, ch. 2000-372; s. 3, ch. 2001-91; s. 2, ch. 2001-282; s. 128, ch. 2003-261; s. 4, ch. 2006-275; s. 12, ch. 2007-217; s. 7, ch. 2008-6; s. 9, ch. 2013-36; s. 4, ch. 2014-183.

112.31455 Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.—

(1) Before referring any unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(7) to the Department of Financial Services, the commission shall attempt to determine whether the individual owing such a fine is a current public officer or current public employee. If so, the commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, or special district of the total amount of any fine owed to the commission by such individual.

(a) After receipt and verification of the notice from the commission, the Chief Financial Officer or the governing body of the county, municipality, or special district shall begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the commission until the fine is satisfied.

(b) The Chief Financial Officer or the governing body of the county, municipality, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.

(2) If the commission determines that the individual who is the subject of an unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(7) is no longer a public officer or public employee or if the commission is unable to determine whether the individual is a current public officer or public employee, the commission may, 6 months after the order becomes final, seek garnishment of any wages to satisfy the amount of the fine, or any unpaid portion thereof, pursuant to chapter 77. Upon recording the order imposing the fine with the clerk of the circuit court, the order shall be deemed a judgment for purposes of garnishment pursuant to chapter 77.

(3) The commission may refer unpaid fines to the appropriate collection agency, as directed by the Chief Financial Officer, to utilize any collection methods provided by law. Except as expressly limited by this section, any other collection methods authorized by law are allowed.

(4) Action may be taken to collect any unpaid fine imposed by ss. 112.3144 and 112.3145 within 20 years after the date the final order is rendered.

History.—s. 10, ch. 2013-36; s. 10, ch. 2015-2.

112.3146 Public records.—The statements required by ss. 112.313, 112.3145, 112.3148, and 112.3149 shall be public records within the meaning of s. 119.01.

History.—s. 6, ch. 74-177; s. 6, ch. 90-502; s. 7, ch. 91-85.

112.3147 Forms.—Except as otherwise provided, all information required to be furnished by ss. 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

History.—s. 7, ch. 74-177; s. 3, ch. 76-18; s. 7, ch. 90-502; s. 8, ch. 91-85; s. 12, ch. 2000-243; s. 5, ch. 2006-275; s. 11, ch. 2013-36.

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) “Immediate family” means any parent, spouse, child, or sibling.

(b)1. “Lobbyist” means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term “lobbyist” includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as “lobbyists” who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(c) “Person” includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) “Reporting individual” means any individual, including a candidate upon qualifying, who is required

by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the “agency” of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve.

(e) “Procurement employee” means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year.

(f) “Vendor” means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee as defined in s. 106.011, or a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the reporting individual’s or procurement employee’s agency, a political committee as defined in s. 106.011, or a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably

necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A vendor doing business with the reporting individual’s or procurement employee’s agency; a political committee as defined in s. 106.011; a lobbyist who lobbies a reporting individual’s or procurement employee’s agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift that the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, if a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee

may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to the statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State

Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Commission on Ethics. The report filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the report shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, if provided within 90 days after receipt of the gift, shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

(k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

(8)(a) Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s.

112.313(4).

3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed

in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company, which bears a date on or before the due date constitutes proof of mailing in a timely manner.

(f) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.—s. 2, ch. 89-380; s. 8, ch. 90-502; s. 9, ch. 91-85; s. 7, ch. 91-292; s. 6, ch. 94-277; s. 1411, ch. 95-147; s. 2, ch. 96-328; s. 8, ch. 98-136; s. 4, ch. 2000-243; s. 32, ch. 2000-258; s. 8, ch. 2003-159; s. 6, ch. 2006-275; s. 4, ch. 2012-51; s. 12, ch. 2013-36; s. 29, ch. 2013-37; s. 3, ch. 2013-235.

112.31485 Prohibition on gifts involving political committees.—

(1)(a) For purposes of this section, the term “gift” means any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106.

(b) For purposes of this section, the term “immediate family” means any parent, spouse, child, or sibling.

(2)(a) A reporting individual or procurement employee or a member of his or her immediate family is prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.

(b) A political committee is prohibited from giving, directly or indirectly, any gift to a reporting individual or procurement employee or a member of his or her immediate family.

(3) Any person who violates this section is subject to a civil penalty equal to three times the

amount of the gift. Such penalty is in addition to the penalties provided in s. 112.317 and shall be paid to the General Revenue Fund of the state. A reporting individual or procurement employee or a member of his or her immediate family who violates this section is personally liable for payment of the treble penalty. Any agent or person acting on behalf of a political committee who gives a prohibited gift is personally liable for payment of the treble penalty.

History.—s. 13, ch. 2013-36.

112.3149 Solicitation and disclosure of honoraria.—

(1) As used in this section:

(a) “Honorarium” means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:

1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.

2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

The term “honorarium” does not include the payment for services related to employment held outside the reporting individual’s or procurement employee’s public position which resulted in the person becoming a reporting individual or procurement employee, any ordinary payment or salary received in consideration for services related to the reporting individual’s or procurement employee’s public duties, a campaign contribution reported pursuant to chapter 106, or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee, for a reporting individual or procurement employee and spouse.

(b) “Person” includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(c) “Reporting individual” means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file a full or limited public disclosure of his or her financial interests.

(d)1. “Lobbyist” means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term “lobbyist” includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as “lobbyists” who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(e) “Procurement employee” means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$10,000 in any fiscal year.

(f) “Vendor” means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(2) A reporting individual or procurement employee is prohibited from soliciting an honorarium which is related to the reporting individual’s or procurement employee’s public office or duties.

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee, as defined in s. 106.011, from a vendor doing business with the reporting individual’s or procurement employee’s agency, from a lobbyist who lobbies the reporting individual’s or procurement employee’s agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee, as defined in s. 106.011, a vendor doing business with the reporting individual’s or procurement employee’s agency, a lobbyist who lobbies a reporting individual’s or procurement employee’s agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

(5) A person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee, but who provides a reporting individual or procurement employee, or a reporting

individual or procurement employee and his or her spouse, with expenses related to an honorarium event, shall provide to the reporting individual or procurement employee, no later than 60 days after the honorarium event, a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the honorarium event.

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for those expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. The attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the Commission on Ethics. The statement filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the statement shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

(7) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (4) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to whom the honorarium was paid in violation of subsection (4), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this

section or to impose or enforce a limitation on lobbying provided in this section.

(8) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.—s. 9, ch. 90-502; s. 7, ch. 94-277; s. 1412, ch. 95-147; s. 5, ch. 2000-243; s. 33, ch. 2000-258; s. 7, ch. 2006-275; s. 14, ch. 2013-36; s. 30, ch. 2013-37.

112.3151 Extensions of time for filing disclosure.—The Commission on Ethics may grant, for good cause, on an individual basis, an extension of time for filing of any disclosure required under the provisions of this part or s. 8(a), Art. II of the State Constitution. However, no extension may extend the filing deadline to a date within 20 days before a primary election. The commission may delegate to its chair the authority to grant any extension of time which the commission itself may grant under this section; however, no extension of time granted by the chair may exceed 45 days. Extensions of time granted under this section shall be exempt from the provisions of chapter 120.

History.—s. 4, ch. 83-282; s. 700, ch. 95-147.

112.316 Construction.—It is not the intent of this part, nor shall it be construed, to prevent any officer or employee of a state agency or county, city, or other political subdivision of the state or any legislator or legislative employee from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by such officer, employee, legislator, or legislative employee of his or her duties to the state or the county, city, or other political subdivision of the state involved.

History.—s. 6, ch. 67-469; s. 2, ch. 69-335; s. 701, ch. 95-147.

112.317 Penalties.—

(1) Any violation of this part, including, but not limited to, failure to file disclosures required by this part or violation of any standard of conduct imposed by this part, or any violation of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, under applicable constitutional and statutory procedures, constitutes grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third of his or her salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in his or her salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.

7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.

8. Public censure and reprimand.

(c) In the case of a candidate who violates this part or s. 8(a) and (i), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.
3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

(e) In the case of a person who is subject to the standards of this part, other than a lobbyist or lobbying firm under s. 112.3215 for a violation of s. 112.3215, but who is not a public officer or employee:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.
3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the person or to the General Revenue Fund.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action

to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney fees, expert witness fees, or other costs of collection incurred in bringing the action.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part or of s. 8, Art. II of the State Constitution by a public officer constitutes malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates this part or s. 8, Art. II of the State Constitution may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its President or by a majority of its membership.

(6) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney fees incurred in the defense of the person complained against, including the costs and reasonable attorney fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent

jurisdiction to recover the amount of such costs and fees awarded by the commission.

History.—s. 7, ch. 67-469; s. 1, ch. 70-144; s. 2, ch. 74-176; s. 8, ch. 74-177; s. 2, ch. 75-199; s. 7, ch. 75-208; s. 5, ch. 82-98; s. 10, ch. 90-502; s. 10, ch. 91-85; s. 8, ch. 94-277; s. 1413, ch. 95-147; s. 1, ch. 95-354; s. 13, ch. 2000-151; s. 8, ch. 2006-275; s. 2, ch. 2009-126; s. 15, ch. 2013-36.

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.—

(1) **INTENT.**—It is the intent of the Legislature to implement the provisions of s. 8(d), Art. II of the State Constitution.

(2) **DEFINITIONS.**—As used in this section, unless the context otherwise requires, the term:

(a) “Conviction” and “convicted” mean an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or of nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

(b) “Court” means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.

(c) “Public officer or employee” means an officer or employee of any public body, political subdivision, or public instrumentality within the state.

(d) “Public retirement system” means any retirement system or plan to which the provisions of part VII of this chapter apply.

(e) “Specified offense” means:

1. The committing, aiding, or abetting of an embezzlement of public funds;
2. The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;
3. Bribery in connection with the employment of a public officer or employee;
4. Any felony specified in chapter 838, except ss. 838.15 and 838.16;
5. The committing of an impeachable offense;
6. The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position; or
7. The committing on or after October 1, 2008, of any felony defined in s. 800.04 against a victim

younger than 16 years of age, or any felony defined in chapter 794 against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

(3) **FORFEITURE.**—Any public officer or employee who is convicted of a specified offense committed prior to retirement, or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.

(4) **NOTICE.**—

(a) The clerk of a court in which a proceeding involving a specified offense is being conducted against a public officer or employee shall furnish notice of the proceeding to the Commission on Ethics after the state attorney advises the clerk that the defendant is a public officer or employee and that the defendant is alleged to have committed a specified offense. Such notice is sufficient if it is in the form of a copy of the indictment, information, or other document containing the charges. In addition, if a verdict of guilty is returned by a jury or by the court trying the case without a jury, or a plea of guilty or of nolo contendere is entered in the court by the public officer or employee, the clerk shall furnish a copy thereof to the Commission on Ethics.

(b) The Secretary of the Senate shall furnish to the Commission on Ethics notice of any proceeding of impeachment being conducted by the Senate. In addition, if such trial results in conviction, the Secretary of the Senate shall furnish notice of the conviction to the commission.

(c) The employer of any member whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense shall forward notice thereof to the commission.

(d) The Commission on Ethics shall forward any notice and any other document received by it pursuant to this subsection to the governing body of the public retirement system of which the public officer or employee is a member or from which the public officer or employee may be entitled to receive a benefit. When called on by the Commission on Ethics, the Department of Management Services shall assist the commission in identifying the appropriate public retirement system.

(5) **FORFEITURE DETERMINATION.**—

(a) Whenever the official or board responsible for paying benefits under a public retirement system receives notice pursuant to subsection (4), or otherwise has reason to believe that the rights and

privileges of any person under such system are required to be forfeited under this section, such official or board shall give notice and hold a hearing in accordance with chapter 120 for the purpose of determining whether such rights and privileges are required to be forfeited. If the official or board determines that such rights and privileges are required to be forfeited, the official or board shall order such rights and privileges forfeited.

(b) Any order of forfeiture of retirement system rights and privileges is appealable to the district court of appeal.

(c) The payment of retirement benefits ordered forfeited, except payments drawn from nonemployer contributions to the retiree's account, shall be stayed pending an appeal as to a felony conviction. If such conviction is reversed, no retirement benefits shall be forfeited. If such conviction is affirmed, retirement benefits shall be forfeited as ordered in this section.

(d) If any person's rights and privileges under a public retirement system are forfeited pursuant to this section and that person has received benefits from the system in excess of his or her accumulated contributions, such person shall pay back to the system the amount of the benefits received in excess of his or her accumulated contributions. If he or she fails to pay back such amount, the official or board responsible for paying benefits pursuant to the retirement system or pension plan may bring an action in circuit court to recover such amount, plus court costs.

(6) FORFEITURE NONEXCLUSIVE.—

(a) The forfeiture of retirement rights and privileges pursuant to this section is supplemental to any other forfeiture requirements provided by law.

(b) This section does not preclude or otherwise limit the Commission on Ethics in conducting under authority of other law an independent investigation of a complaint which it may receive against a public officer or employee involving a specified offense.

History.—s. 14, ch. 84-266; s. 4, ch. 90-301; s. 44, ch. 92-279; s. 55, ch. 92-326; s. 22, ch. 94-249; s. 1414, ch. 95-147; s. 13, ch. 99-255; s. 3, ch. 2008-108; s. 14, ch. 2012-100.

112.3175 Remedies; contracts voidable.—

(1) Any contract that has been executed in violation of this part is voidable:

(a) By any party to the contract.

(b) In any circuit court, by any appropriate action, by:

1. The commission.

2. The Attorney General.

3. Any citizen materially affected by the contract and residing in the jurisdiction represented by the officer or agency entering into such contract.

(2) Any contract that has been executed in violation of this part is presumed void with respect to any former employee or former public official of a state

agency and is voidable with respect to any private sector third party who employs or retains in any capacity such former agency employee or former public official.

History.—s. 8, ch. 75-208; s. 2, ch. 2001-266.

112.3185 Additional standards for state agency employees.—

(1) For the purposes of this section:

(a) "Contractual services" shall be defined as set forth in chapter 287.

(b) "Agency" means any state officer, department, board, commission, or council of the executive or judicial branch of state government and includes the Public Service Commission.

(2) An agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services may not become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(3) An agency employee may not, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee. When the agency employee's position is eliminated and his or her duties are performed by the business entity, this subsection does not prohibit him or her from employment or contractual relationship with the business entity if the employee's participation in the contract was limited to recommendation, rendering of advice, or investigation and if the agency head determines that the best interests of the state will be served thereby and provides prior written approval for the particular employee.

(4) An agency employee may not, within 2 years after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his or her responsibility while an employee. If the agency employee's position is eliminated and his or her duties are performed by the business entity, this subsection may be waived by the agency head through prior written approval for a particular employee if the agency head determines that the best interests of the state will be served thereby.

(5) The sum of money paid to a former agency employee during the first year after the cessation of his

or her responsibilities, by the agency with whom he or she was employed, for contractual services provided to the agency, shall not exceed the annual salary received on the date of cessation of his or her responsibilities. This subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings for the state.

(6) An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor or in which the officer or employee or his or her spouse or child, or any combination of them, has a material interest.

(7) A violation of any provision of this section is punishable in accordance with s. 112.317.

(8) This section is not applicable to any employee of the Public Service Commission who was so employed on or before December 31, 1994.

History.—s. 6, ch. 82-196; s. 32, ch. 83-217; s. 2, ch. 90-268; s. 11, ch. 90-502; s. 9, ch. 94-277; s. 1415, ch. 95-147; s. 9, ch. 2006-275.

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—

(1) **SHORT TITLE.**—Sections 112.3187-112.31895 may be cited as the “Whistle-blower’s Act.”

(2) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public’s health, safety, or welfare. It is further the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

(3) **DEFINITIONS.**—As used in this act, unless otherwise specified, the following words or terms shall have the meanings indicated:

(a) “Agency” means any state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.

(b) “Employee” means a person who performs services for, and under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.

(c) “Adverse personnel action” means the discharge, suspension, transfer, or demotion of any

employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.

(d) “Independent contractor” means a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency.

(e) “Gross mismanagement” means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

(4) ACTIONS PROHIBITED.—

(a) An agency or independent contractor shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this section.

(b) An agency or independent contractor shall not take any adverse action that affects the rights or interests of a person in retaliation for the person’s disclosure of information under this section.

(c) The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.

(5) NATURE OF INFORMATION DISCLOSED.—The information disclosed under this section must include:

(a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public’s health, safety, or welfare.

(b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section must be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. 112.3189(1) or inspectors general under s. 20.055, the Florida Commission on Human Relations, and the whistle-blower’s hotline created under s. 112.3189. However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief

executive officer as defined in s. 447.203(9) or other appropriate local official.

(7) EMPLOYEES AND PERSONS

PROTECTED.—This section protects employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower's hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs; or employees who file any written complaint to their supervisory officials or employees who submit a complaint to the Chief Inspector General in the Executive Office of the Governor, to the employee designated as agency inspector general under s. 112.3189(1), or to the Florida Commission on Human Relations. The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system or, after release from the care, custody, or control of the state correctional system, with respect to circumstances that occurred during any period of incarceration. No remedy or other protection under ss. 112.3187-112.31895 applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under ss. 112.3187-112.31895 is being sought.

(8) REMEDIES.—

(a) Any employee of or applicant for employment with any state agency, as the term "state agency" is defined in s. 216.011, who is discharged, disciplined, or subjected to other adverse personnel action, or denied employment, because he or she engaged in an activity protected by this section may file a complaint, which complaint must be made in accordance with s. 112.31895. Upon receipt of notice from the Florida Commission on Human Relations of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. 112.31895 or bring a civil action within 180 days after receipt of the notice.

(b) Within 60 days after the action prohibited by this section, any local public employee protected by this section may file a complaint with the appropriate local governmental authority, if that authority has established by ordinance an administrative procedure for handling such complaints or has contracted with the Division of Administrative Hearings under s. 120.65 to conduct hearings under this section. The administrative procedure created by ordinance must provide for the complaint to be heard by a panel of impartial persons appointed by the appropriate local governmental authority. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final

decision by the local governmental authority. Within 180 days after entry of a final decision by the local governmental authority, the public employee who filed the complaint may bring a civil action in any court of competent jurisdiction. If the local governmental authority has not established an administrative procedure by ordinance or contract, a local public employee may, within 180 days after the action prohibited by this section, bring a civil action in a court of competent jurisdiction. For the purpose of this paragraph, the term "local governmental authority" includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing.

(c) Any other person protected by this section may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this section.

(9) RELIEF.—In any action brought under this section, the relief must include the following:

(a) Reinstatement of the employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief.

(b) Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

(c) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action.

(d) Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

(e) Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

(f) Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Florida Commission on Human Relations, as applicable under s. 112.31895, determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

(10) DEFENSES.—It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's or person's exercise of rights protected by this section.

(11) EXISTING RIGHTS.—Sections 112.3187-112.31895 do not diminish the rights, privileges, or remedies of an employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies in s. 447.401 also applies to whistle-blower actions.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 86-233; s. 1, ch. 91-285; s. 12, ch. 92-316; s. 1, ch. 93-57; s. 702, ch. 95-147; s. 1, ch. 95-153; s. 15, ch. 96-410; s. 20, ch. 99-333; s. 2, ch. 2002-400.

112.3188 Confidentiality of information given to the Chief Inspector General, internal auditors, inspectors general, local chief executive officers, or other appropriate local officials.—

(1) The name or identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general, a local chief executive officer, or other appropriate local official information that alleges that an employee or agent of an agency or independent contractor:

(a) Has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or

(b) Has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty

may not be disclosed to anyone other than a member of the Chief Inspector General's, agency inspector general's, internal auditor's, local chief executive officer's, or other appropriate local official's staff without the written consent of the individual, unless the Chief Inspector General, internal auditor, agency inspector general, local chief executive officer, or other appropriate local official determines that: the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime; or the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.

(2)(a) Except as specifically authorized by s. 112.3189, all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Florida Commission on Human Relations or the Department of Law Enforcement is confidential and exempt from s. 119.07(1) if the information is being received or derived from allegations as set forth in paragraph (1)(a) or paragraph (1)(b), and an investigation is active.

(b) All information received by a local chief executive officer or appropriate local official or information produced or derived from fact-finding or investigations conducted pursuant to the administrative

procedure established by ordinance by a local government as authorized by s. 112.3187(8)(b) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the information is being received or derived from allegations as set forth in paragraph (1)(a) or paragraph (1)(b) and an investigation is active.

(c) Information deemed confidential under this section may be disclosed by the Chief Inspector General, agency inspector general, local chief executive officer, or other appropriate local official receiving the information if the recipient determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime. Information disclosed under this subsection may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

1. An investigation is active under this section if:

a. It is an ongoing investigation or inquiry or collection of information and evidence and is continuing with a reasonable, good faith anticipation of resolution in the foreseeable future; or

b. All or a portion of the matters under investigation or inquiry are active criminal intelligence information or active criminal investigative information as defined in s. 119.011.

2. Notwithstanding sub-subparagraph 1.a., an investigation ceases to be active when:

a. The written report required under s. 112.3189(9) has been sent by the Chief Inspector General to the recipients named in s. 112.3189(9);

b. It is determined that an investigation is not necessary under s. 112.3189(5); or

c. A final decision has been rendered by the local government or by the Division of Administrative Hearings pursuant to s. 112.3187(8)(b).

3. Notwithstanding paragraphs (a), (b), and this paragraph, information or records received or produced under this section which are otherwise confidential under law or exempt from disclosure under chapter 119 retain their confidentiality or exemption.

4. Any person who willfully and knowingly discloses information or records made confidential under this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 6, ch. 90-247; s. 1, ch. 91-150; s. 3, ch. 91-285; s. 2, ch. 93-57; s. 1, ch. 95-136; s. 2, ch. 95-153; s. 1, ch. 95-166; ss. 36, 37, ch. 96-406; s. 21, ch. 99-333.

Note.—As amended by s. 1, ch. 95-166, s. 2, ch. 95-153, and s. 36, ch. 96-406; this version of paragraph (2)(a) was also amended by s. 21, ch. 99-333. For a description of multiple acts in the same session affecting a statutory provision, see preface to the *Florida Statutes*, "Statutory Construction." This section was also amended by s. 1, ch. 95-136, and s. 37, ch. 96-406, and that version reads:

112.3188 Confidentiality of information given to the Chief Inspector General and agency inspectors general.—

(1) The identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general information that alleges that an employee or agent of an agency or independent contractor has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare or has committed or is suspected of having committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to anyone other than a member of the Chief Inspector General's or agency inspector general's staff without the written consent of the individual, unless the Chief Inspector General or agency inspector general determines that:

(a) The disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime, provided that such information is disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime;

(b) The disclosure of the individual's identity is unavoidable and absolutely necessary during the course of the inquiry or investigation; or

(c) The disclosure of the individual's identity is authorized as a result of the individual consenting in writing to attach general comments signed by such individual to the final report required pursuant to s. 112.3189(6)(b).

(2)(a) Except as specifically authorized by s. 112.3189 and except as provided in subsection (1), all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Department of Legal Affairs, the Office of the Public Counsel, or the Department of Law Enforcement is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for an initial period of not more than 30 days during which time a determination is made whether an investigation is required pursuant to s. 112.3189(5)(a) and, if an investigation is determined to be required, until the investigation is closed or ceases to be active. For the purposes of this subsection, an investigation is active while such investigation is being conducted with a reasonable good faith belief that it may lead to the filing of administrative, civil, or criminal charges. An investigation does not cease to be active so long as the Chief Inspector General or the agency inspector general is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the Chief Inspector General or agency inspector general or other administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative information as defined in s. 119.011, and except as otherwise provided in this section, all information obtained pursuant to this subsection shall become available to the public when the investigation is closed or ceases to be active. An investigation is closed or ceases to be active when the final report required pursuant to s. 112.3189(9) has been sent by the Chief Inspector General to the recipients specified in s. 112.3189(9)(c).

(b) Information deemed confidential under this subsection may be disclosed by the Chief Inspector General or agency inspector general receiving the information if the Chief Inspector General or agency inspector general determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime, and such information may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

(3) Information or records obtained under this section which are otherwise confidential under law or exempt from disclosure shall retain their confidentiality or exemption.

(4) Any person who willfully and knowingly discloses information or records made confidential under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

112.3189 Investigative procedures upon receipt of whistle-blower information from certain state employees.—

(1) This section only applies to the disclosure of information as described in s. 112.3187(5) by an employee or former employee of, or an applicant for employment with, a state agency, as the term "state agency" is defined in s. 216.011, to the Office of the Chief Inspector General of the Executive Office of the Governor or to the agency inspector general. If an agency does not have an inspector general, the head of the state agency, as defined in s. 216.011, shall designate an employee to receive information described in s. 112.3187(5). For purposes of this section and s. 112.3188 only, the employee designated by the head of the state agency shall be deemed an agency inspector general.

(2) To facilitate the receipt of information described in subsection (1), the Chief Inspector General shall maintain an in-state toll-free whistle-blower's hotline and shall circulate among the various state agencies an advisory for all employees which indicates the existence of the toll-free number and its purpose and provides an address to which written whistle-blower information may be forwarded.

(3) When a person alleges information described in s. 112.3187(5), the Chief Inspector General or agency inspector general actually receiving such information shall within 20 days of receiving such information determine:

(a) Whether the information disclosed is the type of information described in s. 112.3187(5).

(b) Whether the source of the information is a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011.

(c) Whether the information actually disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.

(4) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is not the type of information described in s. 112.3187(5), or that the source of the information is not a person who is an employee or

former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, or that the information disclosed does not demonstrate reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general shall notify the complainant of such fact and copy and return, upon request of the complainant, any documents and other materials that were provided by the complainant.

(5)(a) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is the type of information described in s. 112.3187(5), that the source of the information is from a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, and that the information disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general making such determination shall then conduct an investigation, unless the Chief Inspector General or the agency inspector general determines, within 30 days after receiving the allegations from the complainant, that such investigation is unnecessary. For purposes of this subsection, the Chief Inspector General or the agency inspector general shall consider the following factors, but is not limited to only the following factors, when deciding whether the investigation is not necessary:

1. The gravity of the disclosed information compared to the time and expense of an investigation.
2. The potential for an investigation to yield recommendations that will make state government more efficient and effective.
3. The benefit to state government to have a final report on the disclosed information.
4. Whether the alleged whistle-blower information primarily concerns personnel practices that may be investigated under chapter 110.
5. Whether another agency may be conducting an investigation and whether any investigation under this section could be duplicative.
6. The time that has elapsed between the alleged event and the disclosure of the information.

(b) If the Chief Inspector General or agency inspector general determines under paragraph (a) that an investigation is not necessary, the Chief Inspector General or agency inspector general making such determination shall:

1. Copy and return, upon request of the complainant, any documents and other materials provided by the individual who made the disclosure.
2. Inform in writing the head of the state agency for the agency inspector general making the determination that the investigation is not necessary and the individual who made the disclosure of the specific reasons why an investigation is not necessary and why the disclosure will not be further acted on under this section.

(6) The agency inspector general may conduct an investigation pursuant to paragraph (5)(a) only if the person transmitting information to the agency inspector general is an employee or former employee of, or an applicant for employment with, the agency inspector general's agency. The agency inspector general shall:

- (a) Conduct an investigation with respect to the information and any related matters.
- (b) Submit to the complainant and the Chief Inspector General, within 60 days after the date on which a determination to conduct an investigation is made under paragraph (5)(a), a final written report that sets forth the agency inspector general's findings, conclusions, and recommendations, except as provided under subsection (11). The complainant shall be advised in writing by the agency head that the complainant may submit to the Chief Inspector General and agency inspector general comments on the final report within 20 days of the date of the report and that such comments will be attached to the final report.

(7) If the Chief Inspector General decides an investigation should be conducted pursuant to paragraph (5)(a), the Chief Inspector General shall either:

- (a) Promptly transmit to the appropriate head of the state agency the information with respect to which the determination to conduct an investigation was made, and such agency head shall conduct an investigation and submit to the Chief Inspector General a final written report that sets forth the agency head's findings, conclusions, and recommendations; or
- (b)1. Conduct an investigation with respect to the information and any related matters; and
2. Submit to the complainant within 60 days after the date on which a determination to conduct an investigation is made under paragraph (5)(a), a final written report that sets forth the Chief Inspector General's findings, conclusions, and recommendations, except as provided under subsection (11). The complainant shall be advised in writing by the Chief Inspector General that the complainant may submit to the Chief Inspector General

comments on the final report within 20 days of the date of the report and that such comments will be attached to the final report.

(c) The Chief Inspector General may require an agency head to conduct an investigation under paragraph (a) only if the information was transmitted to the Chief Inspector General by:

1. An employee or former employee of, or an applicant for employment with, the agency that the information concerns; or

2. An employee who obtained the information in connection with the performance of the employee's duties and responsibilities.

(8) Final reports required under this section must be reviewed and signed by the person responsible for conducting the investigation (agency inspector general, agency head, or Chief Inspector General) and must include:

(a) A summary of the information with respect to which the investigation was initiated.

(b) A description of the conduct of the investigation.

(c) A summary of any evidence obtained from the investigation.

(d) A listing of any violation or apparent violation of any law, rule, or regulation.

(e) A description of any action taken or planned as a result of the investigation, such as:

1. A change in an agency rule, regulation, or practice.

2. The restoration of an aggrieved employee.

3. A disciplinary action against an employee.

4. The referral to the Department of Law Enforcement of any evidence of a criminal violation.

(9)(a) A report required of the agency head under paragraph (7)(a) shall be submitted to the Chief Inspector General and the complainant within 60 days after the agency head receives the complaint from the Chief Inspector General, except as provided under subsection (11). The complainant shall be advised in writing by the agency head that the complainant may submit to the Chief Inspector General comments on the report within 20 days of the date of the report and that such comments will be attached to the final report.

(b) Upon receiving a final report required under this section, the Chief Inspector General shall review the report and determine whether the report contains the information required by subsection (8). If the report does not contain the information required by subsection (8), the Chief Inspector General shall determine why and note the reasons on an addendum to the final report.

(c) The Chief Inspector General shall transmit any final report under this section, any comments provided by the complainant, and any appropriate comments or recommendations by the Chief Inspector General to the Governor, the Legislative Auditing

Committee, the investigating agency, and the Chief Financial Officer.

(d) If the Chief Inspector General does not receive the report of the agency head within the time prescribed in paragraph (a), the Chief Inspector General may conduct the investigation in accordance with paragraph (7)(b) or request that another agency inspector general conduct the investigation in accordance with subsection (6) and shall report the complaint to the Governor, to the Joint Legislative Auditing Committee, and to the investigating agency, together with a statement noting the failure of the agency head to file the required report.

(10) For any time period set forth in subsections (3), (6), (7), and (9), such time period may be extended in writing by the Chief Inspector General for good cause shown.

(11) If an investigation under this section produces evidence of a criminal violation, the report shall not be transmitted to the complainant, and the agency head or agency inspector general shall notify the Chief Inspector General and the Department of Law Enforcement.

History.—s. 13, ch. 92-316; s. 3, ch. 93-57; s. 129, ch. 2003-261; s. 17, ch. 2011-34.

112.31895 Investigative procedures in response to prohibited personnel actions.—

(1)(a) If a disclosure under s. 112.3187 includes or results in alleged retaliation by an employer, the employee or former employee of, or applicant for employment with, a state agency, as defined in s. 216.011, that is so affected may file a complaint alleging a prohibited personnel action, which complaint must be made by filing a written complaint with the Office of the Chief Inspector General in the Executive Office of the Governor or the Florida Commission on Human Relations, no later than 60 days after the prohibited personnel action.

(b) Within three working days after receiving a complaint under this section, the office or officer receiving the complaint shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. 112.3187 to each of the other parties named in paragraph (a), which parties shall each acknowledge receipt of such copies to the complainant.

(2) **FACT FINDING.**—The Florida Commission on Human Relations shall:

(a) Receive any allegation of a personnel action prohibited by s. 112.3187, including a proposed or potential action, and conduct informal fact finding regarding any allegation under this section, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited

personnel action under s. 112.3187 has occurred, is occurring, or is to be taken.

(b) Notify the complainant, within 15 days after receiving a complaint, that the complaint has been received by the department.

(c) Within 90 days after receiving the complaint, provide the agency head and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

(3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.—

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term “state agency” is defined in s. 216.011.

2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. 112.3187.

3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.

4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.

5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.

6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, the Public Employees Relations Commission, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.

7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.

8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising

under this section before the Public Employees Relations Commission or any other appropriate agency, except that the Florida Commission on Human Relations must comply with the rules of the commission or other agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. 112.3187-112.31895.

10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

(b) Within 15 days after receiving a complaint that a person has been discharged from employment allegedly for disclosing protected information under s. 112.3187, the Florida Commission on Human Relations shall review the information and determine whether temporary reinstatement is appropriate under s. 112.3187(9)(f). If the Florida Commission on Human Relations so determines, it shall apply for an expedited order from the appropriate agency or circuit court for the immediate reinstatement of the employee who has been discharged subsequent to the disclosure made under s. 112.3187, pending the issuance of the final order on the complaint.

(c) The Florida Commission on Human Relations shall notify a complainant of the status of the investigation and any action taken at such times as the commission considers appropriate.

(d) If the Florida Commission on Human Relations is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Florida Commission on Human Relations shall terminate the investigation. Upon termination of any investigation, the Florida Commission on Human Relations shall notify the complainant and the agency head of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding but is not admissible without the consent of the complainant.

(e)1. The Florida Commission on Human Relations may request an agency or circuit court to order a stay, on such terms as the court requires, of any personnel action for 45 days if the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited personnel action has occurred, is occurring, or is to be taken. The Florida Commission on Human Relations may request that such stay be extended for appropriate periods of time.

2. If, in connection with any investigation, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a

prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the Florida Commission on Human Relations shall report the determination together with any findings or recommendations to the agency head and may report that determination and those findings and recommendations to the Governor and the Chief Financial Officer. The Florida Commission on Human Relations may include in the report recommendations for corrective action to be taken.

3. If, after 20 days, the agency does not implement the recommended action, the Florida Commission on Human Relations shall terminate the investigation and notify the complainant of the right to appeal under subsection (4), or may petition the agency for corrective action under this subsection.

4. If the Florida Commission on Human Relations finds, in consultation with the individual subject to the prohibited action, that the agency has implemented the corrective action, the commission shall file such finding with the agency head, together with any written comments that the individual provides, and terminate the investigation.

(f) If the Florida Commission on Human Relations finds that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission shall terminate the investigation.

(g)1. If, in connection with any investigation under this section, it is determined that reasonable grounds exist to believe that a criminal violation has occurred which has not been previously reported, the Florida Commission on Human Relations shall report this determination to the Department of Law Enforcement and to the state attorney having jurisdiction over the matter.

2. If an alleged criminal violation has been reported, the Florida Commission on Human Relations shall confer with the Department of Law Enforcement and the state attorney before proceeding with the investigation of the prohibited personnel action and may defer the investigation pending completion of the criminal investigation and proceedings. The Florida Commission on Human Relations shall inform the complainant of the decision to defer the investigation and, if appropriate, of the confidentiality of the investigation.

(h) If, in connection with any investigation under this section, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a violation of a law, rule, or regulation has occurred, other than a criminal violation or a prohibited action under this section, the commission may report such violation to the head of the agency involved. Within 30 days after the agency receives the report, the agency head shall provide to the commission a certification that states that the head of the agency has

personally reviewed the report and indicates what action has been or is to be taken and when the action will be completed.

(i) During any investigation under this section, disciplinary action may not be taken against any employee of a state agency, as the term "state agency" is defined in s. 216.011, for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the Florida Commission on Human Relations.

(j) The Florida Commission on Human Relations may also petition for an award of reasonable attorney's fees and expenses from a state agency, as the term "state agency" is defined in s. 216.011, pursuant to s. 112.3187(9).

(4) RIGHT TO APPEAL.—

(a) Not more than 60 days after receipt of a notice of termination of the investigation from the Florida Commission on Human Relations, the complainant may file, with the Public Employees Relations Commission, a complaint against the employer-agency regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. 112.3187 and 447.503(4) and (5).

(b) Judicial review of any final order of the commission shall be as provided in s. 120.68.

History.—s. 14, ch. 92-316; s. 4, ch. 93-57; s. 703, ch. 95-147; s. 22, ch. 99-333; s. 130, ch. 2003-261.

112.31901 Investigatory records.—

(1) If certified pursuant to subsection (2), an investigatory record of the Chief Inspector General within the Executive Office of the Governor or of the employee designated by an agency head as the agency inspector general under s. 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or a report detailing the investigation is provided to the Governor or the agency head, or 60 days from the inception of the investigation for which the record was made or received, whichever first occurs. Investigatory records are those records that are related to the investigation of an alleged, specific act or omission or other wrongdoing, with respect to an identifiable person or group of persons, based on information compiled by the Chief Inspector General or by an agency inspector general, as named under the provisions of s. 112.3189, in the course of an investigation. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

(2) The Governor, in the case of the Chief Inspector General, or agency head, in the case of an employee designated as the agency inspector general under s. 112.3189, may certify that such investigatory

records require an exemption to protect the integrity of the investigation or avoid unwarranted damage to an individual's good name or reputation. The certification must specify the nature and purpose of the investigation and shall be kept with the exempt records and made public when the records are made public.

(3) This section does not apply to whistle-blower investigations conducted pursuant to ss. 112.3187, 112.3188, 112.3189, and 112.31895.

History.—s. 4, ch. 93-405; s. 35, ch. 95-398; s. 38, ch. 2005-251; s. 13, ch. 2006-1.

Note.—Former s. 119.07(6)(w).

112.3191 Short title.—This act shall be known and cited as “The John J. Savage Memorial Act of 1974.”

History.—s. 1, ch. 74-176.

112.320 Commission on Ethics; purpose.—

There is created a Commission on Ethics, the purpose of which is to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state, as defined in this part, and to serve as the independent commission provided for in s. 8(f), Art. II of the State Constitution.

History.—s. 2, ch. 74-176; s. 11, ch. 91-85.

112.321 Membership, terms; travel expenses; staff.—

(1) The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. An individual who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance, except that this prohibition does not apply to an individual who is a

member of the commission on July 1, 2006, until the expiration of his or her current term. All members shall serve 2-year terms. A member may not serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(2) The members of the commission shall elect a chair from their number, who shall serve for a 1-year term and may not succeed himself or herself as chair.

(3) Members of the commission shall receive no salary but shall receive travel and per diem as provided in s. 112.061.

(4) In accordance with the uniform personnel, job classification, and pay plan adopted with the approval of the President of the Senate and the Speaker of the House of Representatives and administered by the Office of Legislative Services, the commission shall employ an executive director and shall provide the executive director with necessary office space, assistants, and secretaries. Within the above uniform plan, decisions relating to hiring, promotion, demotion, and termination of commission employees shall be made by the commission or, if so delegated by the commission, by its executive director.

History.—s. 2, ch. 74-176; s. 3, ch. 75-199; s. 6, ch. 82-98; s. 1, ch. 86-148; s. 3, ch. 88-29; s. 2, ch. 91-49; s. 704, ch. 95-147; s. 24, ch. 98-136; s. 6, ch. 2000-243; s. 10, ch. 2006-275.

112.3213 Legislative intent and purpose.—The Legislature finds that the operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on executive branch action. Further, the Legislature finds that preservation of the integrity of the governmental decisionmaking process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform citizens of the efforts to influence executive branch action, the Legislature finds it necessary to require the public disclosure of the identity, expenditures, and activities of certain persons who attempt to influence actions of the executive branch in the areas of policy and procurement.

History.—s. 5, ch. 93-121.

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) “Agency” means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, “agency” shall mean the Constitution Revision

Commission as provided by s. 2, Art. XI of the State Constitution.

(b) "Agency official" or "employee" means any individual who is required by law to file full or limited public disclosure of his or her financial interests.

(c) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106 or contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party or an affiliated party committee, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).

(e) "Fund" means the Executive Branch Lobby Registration Trust Fund.

(f) "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.

(g) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(h) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017.

(i) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the commission. The registration shall require each lobbyist to disclose, under oath, the following information:

(a) Name and business address;

(b) The name and business address of each principal represented;

(c) His or her area of interest;

(d) The agencies before which he or she will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be set by the commission by rule, not to exceed \$40 for each principal represented.

(5)(a)1. Each lobbying firm shall file a compensation report with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone

number of the lobbying firm;

b. Name of each of the firm's lobbyists; and

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period,

reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

a. Full name, business address, and telephone number of the principal; and

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.

4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.

(b) For each principal represented by more than one lobbying firm, the commission shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. Reporting statements must be filed by electronic means as provided in s. 112.32155.

(d) The commission shall provide by rule the grounds for waiving a fine, the procedures by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and the procedure for appealing the fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the electronic receipt issued pursuant to s. 112.32155 is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the commission shall promptly notify all affected principals of each suspension and each reinstatement.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

(e) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Legislative Auditing Committee pursuant to s. 11.40, and such subpoena may be enforced in circuit court.

(6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any expenditure.

(b) No person shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(7) A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(8)(a) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit a compensation report, has made a prohibited expenditure, or has knowingly submitted false information in any report or registration required in this section.

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

(c) The commission shall investigate any lobbying firm, lobbyist, principal, agency, officer, or employee upon receipt of information from a sworn complaint or from a random audit of lobbying reports indicating a possible violation other than a late-filed report.

(d)1. Records relating to an audit conducted pursuant to this section or an investigation conducted pursuant to this section or s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. Any portion of a meeting wherein such investigation or audit is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

3. The exemptions no longer apply if the lobbying firm requests in writing that such investigation and associated records and meetings be made public or the commission determines there is probable cause that the audit reflects a violation of the reporting laws.

(9) If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If, after investigating information from a random audit of lobbying reports, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts shall become a matter of public record, and the commission shall send a copy of the findings and summary to the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(10) If the Governor and Cabinet find that a violation occurred, the Governor and Cabinet may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. If the violator is a lobbying firm, lobbyist, or principal, the Governor and Cabinet may also assess a fine of not more than \$5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.

(11) Any person who is required to be registered or to provide information under this section or under rules adopted pursuant to this section and who knowingly fails to disclose any material fact that is required by this section or by rules adopted pursuant to this section, or who knowingly provides false information on any report required by this section or by

rules adopted pursuant to this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty is in addition to any other penalty assessed by the Governor and Cabinet pursuant to subsection (10).

(12) Any person, when in doubt about the applicability and interpretation of this section to himself or herself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(13) Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(14) Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(15) The commission shall adopt rules to administer this section, which shall prescribe forms for registration and compensation reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

History.—s. 2, ch. 89-325; s. 3, ch. 90-268; s. 29, ch. 90-360; s. 5, ch. 91-292; s. 2, ch. 92-35; s. 6, ch. 93-121; s. 705, ch. 95-147; s. 1, ch. 95-357; s. 2, ch. 96-203; s. 38, ch. 96-406; s. 1, ch. 97-12; s. 2, ch. 2000-232; s. 131, ch. 2003-261; ss. 5, 6, ch. 2005-359; s. 1, ch. 2005-361; ss. 12, 13, 14, ch. 2006-275; s. 6, ch. 2010-151; ss. 29, 30, ch. 2011-6; s. 76, ch. 2011-40; s. 1, ch. 2011-178; HJR 7105, 2011 Regular Session; s. 3, ch. 2012-25; s. 16, ch. 2013-36; s. 17, ch. 2014-17.

112.32151 Requirements for reinstitution of lobbyist registration after felony conviction.—A person convicted of a felony after January 1, 2006, may not be registered as a lobbyist pursuant to s. 112.3215 until the person:

(1) Has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution; and

(2) Has had his or her civil rights restored.

History.—s. 9, ch. 2005-359; s. 8, ch. 2007-5.

112.32155 Electronic filing of compensation reports and other information.—

(1) As used in this section, the term “electronic filing system” means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.

(2) Each lobbying firm who is required to file reports with the Commission on Ethics pursuant to s. 112.3215 must file such reports with the commission by means of the electronic filing system.

(3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 112.3215. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 112.3215(5).

(4) Each report filed pursuant to this section is considered to meet the certification requirements of s. 112.3215(5)(a)4. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the commission that their credentials have been compromised.

(5) The electronic filing system must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of compensation report information as well as upload of such information from software authorized by the commission.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The commission shall provide by rule procedures to implement and administer this section, including, but not limited to:

(a) Alternate filing procedures in case the electronic filing system is not operable.

(b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.

(7) The commission shall make all the data filed available on the Internet in an easily understood and accessible format. The Internet website shall also include, but not be limited to, the names and business addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the classification system designated and identified by each principal pursuant to s. 112.3215(3).

History.—s. 7, ch. 2005-359.

112.3217 Contingency fees; prohibitions; penalties.—

(1) “Contingency fee” means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific executive branch action.

(2) No person may, in whole or in part, pay, give, or receive, or agree to pay, give, or receive, a contingency fee. However, this subsection does not apply to claims bills.

(3) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If such person is a lobbyist, the lobbyist shall forfeit any fee, bonus,

commission, or profit received in violation of this section and is subject to the penalties set forth in s. 112.3215. When the fee, bonus, commission, or profit is nonmonetary, the fair market value of the benefit shall be used in determining the amount to be forfeited. All forfeited benefits shall be deposited into the Executive Branch Lobby Registration Trust Fund.

(4) Nothing in this section may be construed to prohibit any salesperson engaging in legitimate state business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company.

History.—s. 7, ch. 93-121; s. 9, ch. 2000-336.

112.322 Duties and powers of commission.—

(1) It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics as established in this part and of any other breach of the public trust, as provided in s. 8(f), Art. II of the State Constitution, including investigation of all facts and parties materially related to the complaint at issue.

(2)(a) Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations that such person violated the code of ethics established in this part or allegations of any other breach of the public trust, as provided in s. 8, Art. II of the State Constitution, provided a majority of the commission members present and voting consider that the allegations are of such gravity as to affect the general welfare of the state and the ability of the subject public officer or employee effectively to discharge the duties of the office. If the allegations made against the subject public officer or employee are made under oath, then he or she shall also be required to testify under oath.

(b) Upon completion of any investigation initiated under this subsection, the commission shall make a finding and public report as to whether any provision of the code of ethics has been violated or any other breach of the public trust has been committed by the subject official or employee. In the event that a violation or breach is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317.

(c) All proceedings conducted pursuant to this subsection shall be public meetings within the meaning of chapter 286, and all documents made or received in connection with the commission's investigation thereof shall be public records within the meaning of chapter 119.

(d) Any response to a request of a public official or employee shall be addressed in the first instance to the official or employee making the request.

(3)(a) Every public officer, candidate for public office, or public employee, when in doubt about the

applicability and interpretation of this part or s. 8, Art. II of the State Constitution to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. Any public officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the commission as to the application of the provisions of this part or s. 8, Art. II of the State Constitution to any such employee or applicant for employment. An advisory opinion shall be rendered by the commission, and each such opinion shall be numbered, dated, and published without naming the person making the request, unless such person consents to the use of his or her name.

(b) Such opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(4) The commission has the power to subpoena, audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the commission or to the exercise of its powers. The commission may delegate to its investigators the authority to administer oaths and affirmations. The commission may delegate the authority to issue subpoenas to its chair, and may authorize its employees to serve any subpoena issued under this section. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases, except that a witness who is required to travel outside the county of his or her residence to testify is entitled to per diem and travel expenses at the same rate provided for state employees under s. 112.061, to be paid after the witness appears.

(5) The commission may recommend that the Governor initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any provision of this part or of s. 8, Art. II of the State Constitution or to restrain violations of this part or of s. 8, Art. II of the State Constitution, pursuant to s. 1(b), Art. IV of the State Constitution; and the Governor may without further action initiate such judicial proceedings.

(6) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.

(7) The commission may prepare materials designed to assist persons in complying with the provisions of this part and with s. 8, Art. II of the State Constitution.

(8) It shall be the further duty of the commission to submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement.

(9) The commission is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the commission by s. 8, Art. II of the State Constitution or by this part. Such rules shall be limited to:

(a) Rules providing for the practices and procedures of the commission.

(b) Rules interpreting the disclosures and prohibitions established by s. 8, Art. II of the State Constitution and by this part.

History.—s. 2, ch. 74-176; s. 4, ch. 75-199; s. 1, ch. 76-89; s. 1, ch. 77-174; s. 7, ch. 82-98; s. 33, ch. 89-169; s. 12, ch. 91-85; s. 13, ch. 94-277; s. 1416, ch. 95-147; s. 7, ch. 2000-243; s. 15, ch. 2006-275.

112.3231 Time limitations.—

(1) On or after October 1, 1993, all sworn complaints alleging a violation of this part, or of any other breach of the public trust within the jurisdiction of the Commission on Ethics under s. 8, Art. II of the State Constitution, shall be filed with the commission within 5 years of the alleged violation or other breach of the public trust.

(2) A violation of this part or any other breach of public trust is committed when every element has occurred or, if the violation or breach of public trust involves a continuing course of conduct, at the time when the course of conduct or the officer's, employee's, or candidate's complicity therein is terminated. Time starts to run on the day after the violation or breach of public trust is committed.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the public officer, employee, or candidate is filed with the Commission on Ethics. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the complaint shall be dismissed and the commission shall issue a public report.

History.—s. 13, ch. 91-85; s. 10, ch. 94-277.

112.3232 Compelled testimony.—If any person called to give evidence in a commission proceeding shall refuse to give evidence because of a claim of possible self-incrimination, the commission, with the written authorization of the appropriate state attorney, may apply to the chief judge of the appropriate judicial circuit for a judicial grant of immunity ordering the testimony or other evidence of such person notwithstanding his or her objection, but in such case no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal proceeding.

History.—s. 10, ch. 2000-243.

112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

(1) The commission shall investigate an alleged violation of this part or other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution:

(a) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person; or

(b) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust.

Within 5 days after receipt of a complaint by the commission or a determination by at least six members of the commission that the referral received is deemed sufficient, a copy shall be transmitted to the alleged violator.

(2)(a) The complaint and records relating to the complaint or to any preliminary investigation held by the commission or its agents, by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031, or by any county or municipality that has established a local investigatory process to enforce more stringent standards of conduct and disclosure requirements as provided in s. 112.326 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Written referrals and records relating to such referrals held by the commission or its agents, the Governor, the Department of Law Enforcement, or a state attorney, and records relating to any preliminary investigation of such referrals held by the commission or its agents, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) Any portion of a proceeding conducted by the commission, a Commission on Ethics and Public Trust,

or a county or municipality that has established such local investigatory process, pursuant to a complaint or preliminary investigation, is exempt from s. 286.011, s. 24(b), Art. I of the State Constitution, and s. 120.525.

(d) Any portion of a proceeding of the commission in which a determination regarding a referral is discussed or acted upon is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution, and s. 120.525.

(e) The exemptions in paragraphs (a)-(d) apply until:

1. The complaint is dismissed as legally insufficient;
2. The alleged violator requests in writing that such records and proceedings be made public;
3. The commission determines that it will not investigate the referral; or
4. The commission, a Commission on Ethics and Public Trust, or a county or municipality that has established such local investigatory process determines, based on such investigation, whether probable cause exists to believe that a violation has occurred.

(f) A complaint or referral under this part against a candidate in any general, special, or primary election may not be filed nor may any intention of filing such a complaint or referral be disclosed on the day of any such election or within the 30 days immediately preceding the date of the election, unless the complaint or referral is based upon personal information or information other than hearsay.

(g) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint or referral over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint or referral with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal. At that time, the complaint or referral and all materials relating to the complaint or referral shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint or referral

shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion, require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the state. The commission is without jurisdiction to, and no respondent may voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties shall be imposed only by the appropriate disciplinary authority as designated in this section.

(4) If, in cases pertaining to members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, the commission shall forward a copy of the complaint or referral and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who shall refer the complaint or referral to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. It is the duty of the committee to report its final action upon the matter to the commission within 90 days of the date of transmittal to the respective house. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves has the power to invoke the penalty provisions of this part.

(5) If, in cases against impeachable officers, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, and the commission finds that the violation may constitute grounds for impeachment, the commission shall forward a copy of the complaint or referral and its findings by certified mail to the Speaker of the House of Representatives, who shall refer the complaint or referral to the appropriate committee for investigation and action which shall be governed by the rules of the House of Representatives. It is the duty of the committee to report its final action upon the matter to the commission within 90 days of the date of transmittal.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Governor, who has the power to invoke the penalty provisions of this part.

(7) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(8) If, in cases other than complaints or referrals against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it is the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body has the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution:

(a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, or the director of the Office of Program Policy Analysis and Government Accountability.

(b) The Supreme Court, in any case concerning an employee of the judicial branch.

(c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, or Office of Program Policy Analysis and Government Accountability.

(d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public

employee, former public officer or public employee, candidate or former candidate, or person who is not a public officer or employee, other than lobbyists and lobbying firms under s. 112.3215 for violations of s. 112.3215.

(e) The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature.

(9) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(10) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chair from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chair thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

(11)(a) Notwithstanding subsections (1)-(8), the commission may dismiss any complaint or referral at any stage of disposition if it determines that the violation that is alleged or has occurred is a de minimis violation attributable to inadvertent or unintentional error. In determining whether a violation was de minimis, the commission shall consider whether the interests of the public were protected despite the violation. This subsection does not apply to complaints or referrals pursuant to ss. 112.3144 and 112.3145.

(b) For the purposes of this subsection, a de minimis violation is any violation that is unintentional and not material in nature.

(12) Notwithstanding the provisions of subsections (1)-(8), the commission may, at its discretion, dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

History.—s. 2, ch. 74-176; s. 5, ch. 75-199; s. 3, ch. 83-282; s. 30, ch. 90-360; s. 14, ch. 91-85; s. 11, ch. 94-277; s. 1417, ch. 95-147; s. 2, ch. 95-354; s. 4, ch. 96-311; s. 3, ch. 97-293; s. 14, ch. 2000-151; s. 17, ch. 2000-331; s. 30, ch. 2001-266; s. 1, ch. 2002-186; s. 1, ch. 2005-186; s. 17, ch. 2008-4; s. 3, ch. 2009-126; s. 1, ch. 2010-116; s. 1, ch. 2010-130; s. 18, ch. 2011-34; s. 17, ch. 2013-36; s. 1, ch. 2013-38; s. 18, ch. 2014-17.

112.3241 Judicial review.—Any final action by the commission taken pursuant to this part shall be subject to review in a district court of appeal upon the petition of the party against whom an adverse opinion, finding, or recommendation is made.

History.—s. 6, ch. 75-199; s. 4, ch. 84-318.

112.3251 Citizen support and direct-support organizations; standards of conduct.—A citizen support or direct-support organization created or authorized pursuant to law must adopt its own ethics code. The ethics code must contain the standards of conduct and disclosures required under ss. 112.313 and 112.3143(2), respectively. However, an ethics code adopted pursuant to this section is not required to contain the standards of conduct specified in s. 112.313(3) or (7). The citizen support or direct-support organization may adopt additional or more stringent standards of conduct and disclosure requirements if those standards of conduct and disclosure requirements do not otherwise conflict with this part. The ethics code must be conspicuously posted on the citizen support or direct-support organization's website.

History.—s. 5, ch. 2014-183.

112.326 Additional requirements by political subdivisions and agencies not prohibited.—Nothing in this act shall prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

History.—s. 5, ch. 75-196; s. 12, ch. 94-277.

112.3261 Lobbying before water management districts; registration and reporting.—

(1) As used in this section, the term:

(a) “District” means a water management district created in s. 373.069 and operating under the authority of chapter 373.

(b) “Lobbies” means seeking, on behalf of another person, to influence a district with respect to a decision of the district in an area of policy or procurement or an attempt to obtain the goodwill of a district official or employee. The term “lobbies” shall be interpreted and applied consistently with the rules of the commission implementing s. 112.3215.

(c) “Lobbyist” has the same meaning as provided in s. 112.3215.

(d) “Principal” has the same meaning as provided in s. 112.3215.

(2) A person may not lobby a district until such person has registered as a lobbyist with that district. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar-year basis thereafter. Upon registration, the person shall provide a statement signed by the principal or principal's representative stating that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the district. Any changes to the information required by this section must be disclosed within 15 days by filing a new registration form. The registration form shall require each lobbyist to disclose, under oath, the following:

(a) The lobbyist's name and business address.

(b) The name and business address of each principal represented.

(c) The existence of any direct or indirect business association, partnership, or financial relationship with any officer or employee of a district with which he or she lobbies or intends to lobby.

(d) In lieu of creating its own lobbyist registration forms, a district may accept a completed legislative branch or executive branch lobbyist registration form.

(3) A district shall make lobbyist registrations available to the public. If a district maintains a website, a database of currently registered lobbyists and principals must be available on the district's website.

(4) A lobbyist shall promptly send a written statement to the district canceling the registration for a principal upon termination of the lobbyist's representation of that principal. A district may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the district that a person is no longer authorized to represent that principal.

(5) A district may establish an annual lobbyist registration fee, not to exceed \$40, for each principal

represented. The district may use registration fees only to administer this section.

(6) A district shall be diligent to ascertain whether persons required to register pursuant to this section have complied. A district may not knowingly authorize a person who is not registered pursuant to this section to lobby the district.

(7) Upon receipt of a sworn complaint alleging that a lobbyist or principal has failed to register with a district or has knowingly submitted false information in a report or registration required under this section, the commission shall investigate a lobbyist or principal pursuant to the procedures established under s. 112.324. The commission shall provide the Governor with a report of its findings and recommendations in any investigation conducted pursuant to this subsection. The Governor is authorized to enforce the commission's findings and recommendations.

(8) Water management districts may adopt rules to establish procedures to govern the registration of lobbyists, including the adoption of forms and the establishment of a lobbyist registration fee.

History.—s. 6, ch. 2014-183.

PART IV

SUPPLEMENTAL RETIREMENT ACT FOR RETIRED MEMBERS OF STATE RETIREMENT SYSTEMS

112.351	Short title.
112.352	Definitions.
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112.363	Retiree health insurance subsidy.

112.351 Short title.—This act shall be known and cited as the “Florida Supplemental Retirement Act for Retired Members of State Retirement Systems.”

History.—s. 1, ch. 67-276.

112.352 Definitions.—The following words and phrases as used in this act shall have the following meaning unless a different meaning is required by the context:

(1) “Funds” shall mean the special trust funds in the State Treasury created under each of the retirement laws covered by this act.

(2) “Retired member” shall mean any person who had both attained age 65 and retired prior to January 1, 1966, and is receiving benefits under any of the following systems:

(a) State and County Officers and Employees Retirement System, created by authority of chapter 122.

(b) Supreme Court Justices, District Courts of Appeal Judges and Circuit Judges Retirement System, created by authority of former chapter 123.

(c) Teachers’ Retirement System of the state, created by authority of chapter 238; or

(d) Highway Patrol Pension Trust Fund, created by authority of chapter 321.

(3) “Joint annuitant” means any person named by a retired member under the applicable system to receive any retirement benefits due and payable from the system after the member’s death.

(4) “System” shall mean any of the retirement systems specified in subsection (2).

(5) “Social security benefit” shall mean the monthly primary insurance amount, computed in accordance with the Social Security Act from which is derived the monthly benefit amount, which the retired member is receiving, entitled to receive, or would be entitled to receive upon application to the Social Security Administration, without taking into account any earned income which would cause a reduction in such amount. For purposes of this act, the social security benefit of:

(a) A retired member who is not insured under the Social Security Act shall be zero, and

(b) A deceased retired member who was insured under the Social Security Act shall be the primary insurance amount from which is derived the monthly benefit amount which the member was receiving or entitled to receive in the month immediately preceding his or her date of death.

(6) “Retirement benefit” means the monthly benefit which a retired member or joint annuitant is receiving from a system.

(7) “Department” means the Department of Management Services.

(8) “Base year” means the year in which a retired member actually retired from a system or the year in which the member attained age 65, if later.

History.—s. 2, ch. 67-276; ss. 31, 35, ch. 69-106; s. 35, ch. 71-377; s. 1, ch. 73-326; s. 45, ch. 92-279; s. 55, ch. 92-326; s. 706, ch. 95-147; s. 1, ch. 95-154; s. 44, ch. 99-2; s. 14, ch. 99-255.

112.353 Purpose of act.—The purpose of this act is to provide a supplement to the monthly retirement benefits being paid to, or with respect to, retired members under the retirement systems specified in s. 112.352(2) and any permanently and

totally disabled retired member who became thus disabled in the line of duty and while performing the duties incident to his or her employment, such supplement to be approximately equal to the excess of the increase in social security benefits that the retired member would have received had he or she been covered for maximum benefits under the Social Security Act at age 65 or at date of retirement, whichever is later, over the amount of increase he or she has previously received or is entitled to receive by virtue of coverage under the Social Security Act.

History.—s. 3, ch. 67-276; s. 707, ch. 95-147.

112.354 Eligibility for supplement.—Each retired member or, if applicable, a joint annuitant, except any person receiving survivor benefits under the teachers' retirement system of the state in accordance with s. 238.07(18), shall be entitled to receive a supplement computed in accordance with s. 112.355 upon:

- (1) Furnishing to the Department of Management Services evidence from the Social Security Administration setting forth the retired member's social security benefit or certifying the noninsured status of the retired member under the Social Security Act, and
- (2) Filing written application with the Department of Management Services for such supplement.

History.—s. 4, ch. 67-276; ss. 31, 35, ch. 69-106; s. 1, ch. 73-326; s. 15, ch. 99-255; s. 7, ch. 2010-5.

112.355 Supplement amount.—

- (1) The supplement amount shall be calculated in the following manner, based on the retired member's social security benefit and the table of values below:

TABLE OF VALUES

Base Year	I	II	III	IV
Prior to 1951	\$57.00	\$34.00	\$58.00	\$102.00
1951-1952	33.00	24.00	69.00	113.00
1953-1954	28.00	19.00	69.00	113.00
1955-1958	16.00	14.00	81.00	125.00
1959-1965	9.00	4.00	92.00	136.00

- (2) The supplement amount for a retired member whose social security benefit is less than \$44 shall be equal to (a) minus the product of (b) and (c) where:

- (a) Is the value shown in column I of the table of values for the retired member's base year,
- (b) Is the value shown in column II of the table of values for the retired member's base year, and
- (c) Is the retired member's social security benefit divided by \$44, subject to the provisions of subsection (4).

- (3) The supplement amount for a retired member whose social security benefit is \$44 or more shall be equal to the product of paragraphs (a) and (b) of this subsection where:

- (a) Is the difference between the value shown in column I and column II of the table of values for the retired member's base year, and

- (b) Is the value shown in column IV of the table of values for the retired member's base year minus the retired member's social security benefit, such difference divided by the value shown in column III of the table of values. In no event shall (b), as calculated in the previous sentence, be less than zero; subject to the provisions of subsection (4).

- (4) The supplement amount for any retired member of, if applicable, a joint annuitant, who is receiving a retirement benefit of lesser amount than the normal retirement benefit to which the retired member was entitled at time of retirement because of early retirement or election of an optional form of payment, shall be reduced to an amount equal to the product of paragraphs (a) and (b) of this subsection where:

- (a) Is the reduced retirement benefit such member or joint annuitant is receiving divided by the normal retirement benefit to which the retired member was entitled at retirement, and

- (b) Is the supplement amount computed in accordance with subsection (2) or subsection (3), whichever is applicable.

- (5) The supplement amount calculated in accordance with this section shall be rounded to the nearest dollar.

History.—s. 5, ch. 67-276; s. 708, ch. 95-147.

112.356 Payment of supplement.—

Any supplement due and payable under this act shall be paid by the department or under the direction and control of the department, based on information furnished by the retired member, or a joint annuitant, and the administrator of the system under which retirement benefits are being paid, beginning on the first day of the month coincident with or next following the later of the effective date of this act and the date of approval of the application for supplement by the department, and payable thereafter on the first day of each month in the normal or optional form in which retirement benefits under the applicable system are being paid; provided, however, that if application for supplement is made subsequent to December 31, 1967, not more than 6 retroactive monthly supplements shall be paid.

History.—s. 6, ch. 67-276; ss. 31, 35, ch. 69-106; s. 16, ch. 99-255.

112.357 Appropriation.—There is hereby appropriated annually from the respective retirement trust fund from which the retired member is receiving his or her normal retirement benefit, an amount necessary to provide the benefits hereunder, and the amount necessary for the effective and efficient administration of this act.

History.—s. 7, ch. 67-276; s. 709, ch. 95-147.

112.359 Benefits exempt from taxes and execution.—The benefits provided for any person under the provisions of this act are exempt from any state, county or municipal tax of the state and shall not be subject to assignment, execution or attachment or to any legal process whatsoever.

History.—s. 9, ch. 67-276.

112.360 Amendments.—References in this act to state and federal laws are intended to include such laws as they now exist or may hereafter be amended.

History.—s. 10, ch. 67-276.

112.361 Additional and updated supplemental retirement benefits.—

(1) **SHORT TITLE.**—This section shall be known and cited as “The 1969 Florida Supplemental Retirement Act.”

(2) **DEFINITIONS.**—As used in this section, unless a different meaning is required by the context:

(a) “Funds” means the special trust funds in the State Treasury created under each of the retirement laws covered by this section.

(b) “Retired member” means any person:

1. Who either:
 - a. Had both attained age 65 and retired for reasons other than disability prior to January 1, 1968; or
 - b. Had retired because of disability prior to January 1, 1968, and who, if he or she had been covered under the Social Security Act, would have been eligible for disability benefits under Title II of the Social Security Act; and
2. Who is receiving benefits under any of the following systems:
 - a. State and County Officers and Employees Retirement System created by authority of chapter 122;
 - b. Supreme Court Justices, District Courts of Appeal Judges and Circuit Judges Retirement System created by authority of former chapter 123;
 - c. Teachers’ Retirement System of the state created by authority of chapter 238; or
 - d. Highway Patrol Pension Trust Fund created by authority of chapter 321.

In addition, “retired member” includes any state official or state employee who retired prior to January 1, 1958, and is receiving benefits by authority of s. 112.05.

(c) “Joint annuitant” means any person named by a retired member under the applicable system to receive any retirement benefits due and payable from the system after his or her death.

(d) “System” means any of the retirement systems specified in paragraph (b), including that pursuant to s. 112.05.

(e) “Social security benefit” means the monthly primary insurance amount, computed in accordance

with the Social Security Act, from which is derived the monthly benefit amount which the retired member is receiving, entitled to receive, or would be entitled to receive upon application to the Social Security Administration, without taking into account any earned income which would cause a reduction in such amount. For purposes of this section:

1. The social security benefit of a retired member who is not insured under the Social Security Act shall be zero, and

2. The social security benefit of a deceased retired member who was insured under the Social Security Act shall be the primary insurance amount from which is derived the monthly benefit amount which the member was receiving or entitled to receive in the month immediately preceding his or her date of death.

(f) “Retirement benefit” means the monthly benefit which a retired member or joint annuitant is receiving from a system.

(g) “Department” means the Department of Management Services.

(3) **PURPOSE OF SECTION.**—The purpose of this section is to provide a supplement to the monthly retirement benefits being paid to, or with respect to, retired members under the retirement systems specified in paragraph (2)(b), such supplement to be approximately equal to the excess of the increase in social security benefits that the retired member would have received as a result of the 1967 amendments to the Social Security Act had he or she been covered for maximum benefits under the Social Security Act at age 65 or at date of retirement, whichever is later, over the amount of increase he or she has previously received or is entitled to receive as a result of the 1967 amendments to the Social Security Act by virtue of coverage under the Social Security Act.

(4) **ELIGIBILITY FOR SUPPLEMENT.**—Each retired member or, if applicable, a joint annuitant, except any person receiving survivor’s benefits under the Teachers’ Retirement System of the state in accordance with s. 238.07(18), shall be entitled to receive a supplement computed in accordance with subsection (5), upon:

(a) Furnishing to the department evidence from the Social Security Administration setting forth the retired member’s social security benefit or certifying the noninsured status of the retired member under the Social Security Act, and

(b) Filing written application with the department for such supplement.

(5) **SUPPLEMENT AMOUNT.**—

(a) The supplement amount for any retired member who is receiving the full normal retirement benefit to which the member was entitled at time of retirement shall be equal to \$18 minus 11.5 percent of the member’s social security benefit.

(b) The supplement amount for any retired member or, if applicable, a joint annuitant, who is receiving a retirement benefit of lesser amount than the normal retirement benefit to which the retired member was entitled at time of retirement because of early retirement or election of an optional form of payment, shall be reduced to an amount equal to the product of subparagraphs 1. and 2. where:

1. Is the reduced retirement benefit such member or joint annuitant is receiving divided by the normal retirement benefit to which the retired member was entitled at retirement; and

2. Is the supplement amount computed in accordance with paragraph (a) of this subsection.

(c) The supplement amount calculated in accordance with this subsection shall be rounded to the nearest dollar.

(6) **PAYMENT OF SUPPLEMENT.**—Any supplement due and payable under this section shall be paid by the department or under the direction and control of the department, based on information furnished by the retired member, or a joint annuitant, and the administrator of the system under which retirement benefits are being paid, beginning on the first day of the month coincident with or next following the later of:

(a) July 1, 1969, or

(b) The date of approval of the application for supplement by the department,

and payable thereafter on the first day of each month in the normal or optional form in which retirement benefits under the applicable system are being paid. However, no retroactive monthly supplements shall be paid for any period prior to the date specified in this paragraph.

(7) **APPROPRIATION.**—

(a) There is hereby appropriated annually from the respective retirement trust fund from which the retired member is receiving his or her retirement benefit an amount necessary to provide the benefits hereunder and the amount necessary for the effective and efficient administration of this section.

(b) Amounts necessary to provide for benefits and expenses hereunder on behalf of retired members receiving benefits pursuant to s. 112.05 are hereby annually appropriated out of any moneys in the State Treasury not otherwise appropriated which amount out of the general revenue fund shall not exceed \$50,000 annually.

(8) **BENEFITS EXEMPT FROM TAXES AND EXECUTION.**—The benefits provided for any person under the provisions of this section are exempt from any state, county, or municipal tax and shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

(9) **AMENDMENTS.**—References in this section to state and federal laws are intended to include such laws as they now exist or may hereafter be amended.

History.—s. 1, ch. 69-126; ss. 31, 35, ch. 69-106; s. 36, ch. 71-377; s. 1, ch. 73-326; s. 46, ch. 92-279; s. 55, ch. 92-326; s. 710, ch. 95-147; s. 2, ch. 95-154; s. 45, ch. 99-2; s. 18, ch. 99-255; s. 8, ch. 2010-5; s. 6, ch. 2013-18.

112.362 Recomputation of retirement benefits.—

(1)(a) A member of any state-supported retirement system who retired prior to July 1, 1987, who has not less than 10 years of creditable service, and who is not entitled to the minimum benefit provided for in paragraph (b), upon reaching 65 years of age and upon application to the administrator of his or her retirement system, may have his or her present monthly retirement benefits recomputed and receive a monthly retirement allowance equal to \$8 multiplied by the total number of years of creditable service.

Effective July 1, 1980, this minimum monthly benefit shall be equal to \$10.50 multiplied by the total number of years of creditable service, and thereafter said minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). No present retirement benefits shall be reduced under this computation.

(b) A member of any state-supported retirement system who has already retired under a retirement plan or system which does not require its members to participate in social security pursuant to a modification of the federal-state social security agreement as authorized by the provisions of chapter 650, who is over 65 years of age, and who has more than 15 years of creditable service, upon application to the administrator, may have his or her present monthly retirement benefits recomputed and receive a monthly retirement allowance equal to \$8 multiplied by the first 15 years of creditable service and \$10 multiplied by every additional year of creditable service thereafter. No present retirement benefits shall be reduced under this computation. The minimum monthly benefit provided by this paragraph shall not apply to any member or the beneficiary of any member who retires after June 30, 1978.

(c) A member of any state-supported retirement system who, during the period July 1, 1975, through June 30, 1976, was on the retired payroll with more than 15 years of creditable service, was over 65 years of age, and was not eligible for the \$10 minimum benefit provided by paragraph (b) shall receive the \$8 minimum benefit provided by paragraph (a) retroactive to the date such retired person would first have been eligible for the \$8 minimum benefit under the provisions of this section, had said section not been amended by chapter 75-242, Laws of Florida. Such retroactive \$8 minimum benefit shall also be payable to the beneficiary or surviving spouse of a member who, if

living, would have qualified for this retroactive minimum benefit.

(d) A member of any state-supported retirement system who retires on or after July 1, 1987, with at least 10 years of creditable service, having attained normal retirement date shall, upon reaching age 65 and making proper application to the administrator, be eligible to receive the applicable minimum monthly benefit provided by this subsection with the exception that only those years of creditable service accumulated by the member through June 30, 1987, shall be used in the calculation of the minimum monthly benefit amount and that no benefit shall exceed the average monthly compensation of the retiree due to the application of the minimum monthly benefit. All creditable service claimed for periods which occurred prior to July 1, 1987, shall be presumed to have been accumulated as of June 30, 1987, irrespective of the date on which such creditable service is claimed and credited. The minimum monthly benefit provided by this paragraph shall be reduced by the actuarial factor applied to the optional form of benefit under which the benefit is paid. The surviving spouse or beneficiary who is receiving a monthly benefit from a deceased retiree's account shall be eligible to receive the minimum monthly benefit provided herein at the time the retiree would have been eligible for it had he or she lived, subject to the limitations herein and the appropriate actuarial reductions.

(2)(a) A retired member of any state-supported retirement system who retires prior to July 1, 1987, and who possesses the creditable service requirements contained in paragraph (1)(a) or paragraph (1)(b), or the surviving spouse or beneficiary of said member if such spouse or beneficiary is receiving a retirement benefit, shall, at the time the retiree reaches 65 years of age or would have reached 65 years of age if deceased, and upon proper application to the administrator, have his or her monthly retirement benefit recomputed and may receive a retirement benefit as provided in either paragraph (1)(a) or paragraph (1)(b) and, if a retirement option has been elected by the member, multiplied by the actuarial reduction factor relating to such retirement option and, if the member is deceased, multiplied by the percentage of the benefit payable to the surviving spouse or beneficiary. No present retirement benefits shall be reduced under this computation.

(b) A member of any state-supported retirement system who retires after July 1, 1975, and before July 1, 1987, who is over 65 years of age at the time of his or her retirement may be entitled to the benefit recalculation options provided by either paragraph (1)(a) or paragraph (1)(b).

(3) A member of any state-supported retirement system who has already retired under a retirement plan or system which does not require its members to

participate in social security pursuant to a modification of the federal-state social security agreement as authorized by the provisions of chapter 650, who is over 65 years of age, and who has not less than 10 years of creditable service, or the surviving spouse or beneficiary of said member who, if living, would be over 65 years of age, upon application to the administrator, may have his or her present monthly retirement benefits recomputed and receive a monthly retirement allowance equal to \$10 multiplied by the total number of years of creditable service. Effective July 1, 1978, this minimum monthly benefit shall be equal to \$10.50 multiplied by the total number of years of creditable service, and thereafter said minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). This adjustment shall be made in accordance with subsection (2). No retirement benefits shall be reduced under this computation. Retirees receiving additional benefits under the provisions of this subsection shall also receive the cost-of-living adjustments provided by the appropriate state-supported retirement system for the fiscal year beginning July 1, 1977, and for each fiscal year thereafter. The minimum monthly benefit provided by this subsection shall not apply to any member or the beneficiary of any member who retires after June 30, 1978.

(4)(a) Effective July 1, 1980, any person who retired prior to July 1, 1987, under a state-supported retirement system with not less than 10 years of creditable service and who is not receiving or entitled to receive federal social security benefits shall, upon reaching 65 years of age and upon application to the Department of Management Services, be entitled to receive a minimum monthly benefit equal to \$16.50 multiplied by the member's total number of years of creditable service and adjusted by the actuarial factor applied to the original benefit for optional forms of retirement. Thereafter, the minimum monthly benefit shall be recomputed as provided in paragraph (5)(a). Application for this minimum monthly benefit shall include certification by the retired member that he or she is not receiving and is not entitled to receive social security benefits and shall include written authorization for the Department of Management Services to have access to information from the Federal Social Security Administration concerning the member's entitlement to or eligibility for social security benefits. The minimum benefit provided by this paragraph shall not be paid unless and until the application requirements of this paragraph are satisfied.

(b) Effective July 1, 1978, the surviving spouse or beneficiary who is receiving or entitled to receive a monthly benefit commencing prior to July 1, 1987, from the account of any deceased retired member who had completed at least 10 years of creditable service shall, at the time such deceased retiree would have reached

age 65, if living, and, upon application to the Department of Management Services, be entitled to receive the minimum monthly benefit described in paragraph (a), adjusted by the actuarial factor applied to the optional form of benefit payable to said surviving spouse or beneficiary, provided said person is not receiving or entitled to receive federal social security benefits. Application for this minimum monthly benefit shall include certification by the surviving spouse or beneficiary that he or she is not receiving and is not entitled to receive social security benefits and shall include written authorization for the Department of Management Services to have access to information from the Federal Social Security Administration concerning such person's entitlement to or eligibility for social security benefits. The minimum benefit provided by this paragraph shall not be paid unless and until the application requirements of this paragraph are satisfied.

(c) The minimum benefits authorized by this subsection shall be payable from the first day of the month following the month during which the retired member becomes or would have become age 65.

(d) A member of any state-supported retirement system who retires on or after July 1, 1987, with at least 10 years of creditable service, having attained normal retirement date shall, upon reaching age 65 and making proper application to the administrator, be eligible to receive the applicable minimum monthly benefit provided by this subsection with the exception that only those years of creditable service accumulated by the member through June 30, 1987, shall be used in the calculation of the minimum monthly benefit amount and that no benefit shall exceed the average monthly compensation of the retiree due to the application of the minimum monthly benefit. All creditable service claimed for periods which occurred prior to July 1, 1987, shall be presumed to have been accumulated as of June 30, 1987, irrespective of the date on which such creditable service is claimed and credited. The minimum monthly benefit provided by this paragraph shall be reduced by the actuarial factor applied to the optional form of benefit under which the benefit is paid. The surviving spouse or beneficiary who is receiving a monthly benefit from a deceased retiree's account shall be eligible to receive the minimum monthly benefit provided herein at the time the retiree would have been eligible for it had he or she lived, subject to the limitations herein and the appropriate actuarial reductions.

(5)(a) Effective July 1, 1981, the dollar factors used in determining the minimum benefits provided by this section shall be adjusted by an amount derived by multiplying said dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent. Each July 1 thereafter, the adjusted dollar factors used in

determining the minimum benefits provided by this section shall continue to be adjusted by an amount derived by multiplying the current adjusted dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent for any annual adjustment.

(b) "Average cost-of-living index" as of any July 1 date means the average of the monthly Consumer Price Index figures for the 12-month period from April 1 through March 31 immediately prior to the adjustment date, relative to the United States as a whole, issued by the Bureau of Labor Statistics of the United States Department of Labor.

(c) Effective July 1, 1987, the adjusted dollar factors used in determining the minimum benefits provided by this section shall be adjusted by a constant 3 percent.

(6) The funds necessary to pay the minimum monthly benefits provided by this section are hereby annually appropriated from the fund from which the original benefits are paid.

(7) A member, or a joint annuitant or other beneficiary, who is receiving a monthly benefit may refuse the application of the minimum benefit adjustment to such benefit.

History.—s. 1, ch. 70-224; s. 1, ch. 72-282; ss. 1, 2, 3, ch. 75-242; ss. 1, 2, ch. 76-228; s. 1, ch. 77-241; s. 1, ch. 78-364; s. 6, ch. 79-377; s. 1, ch. 80-242; s. 2, ch. 81-307; s. 3, ch. 85-246; s. 1, ch. 86-137; s. 2, ch. 88-382; s. 711, ch. 95-147; s. 19, ch. 99-255; s. 1, ch. 2000-347; s. 8, ch. 2016-10.

112.363 Retiree health insurance subsidy.—

(1) **PURPOSE OF SECTION.**—The purpose of this section is to provide a monthly subsidy payment to retired members of any state-administered retirement system in order to assist such retired members in paying the costs of health insurance.

(2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

(a) A person who is retired under a state-administered retirement system, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under a state-administered retirement system, is eligible for health insurance subsidy payments provided under this section; except that pension recipients under ss. 121.40, 238.07(18)(a), and 250.22, recipients of health insurance coverage under s. 110.1232, or any other special pension or relief act shall not be eligible for such payments.

(b) For purposes of this section, a person is deemed retired from a state-administered retirement system when he or she terminates employment with all employers participating in the Florida Retirement System as described in s. 121.021(39) and:

1. For a member of the investment plan established under part II of chapter 121, the participant meets the age or service requirements to qualify for

normal retirement as set forth in s. 121.021(29) and meets the definition of retiree in s. 121.4501(2).

2. For a member of the Florida Retirement System Pension Plan, or any employee who maintains creditable service under the pension plan and the investment plan, the member begins drawing retirement benefits from the pension plan.

(c) Effective July 1, 2001, any person retiring on or after that date as a member of the Florida Retirement System, including a member of the investment plan administered pursuant to part II of chapter 121, must have satisfied the vesting requirements for his or her membership class under the pension plan as administered under part I of chapter 121. However, a person retiring due to disability must qualify for a regular or in-line-of-duty disability benefit as provided in s. 121.091(4) or qualify for a disability benefit under a disability plan established under part II of chapter 121, as appropriate.

(d) Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the Department of Management Services. Participation in a former employer's group health insurance program is not a requirement for eligibility under this section. Coverage issued pursuant to s. 408.9091 is considered health insurance for the purposes of this section.

(e) Participants in the Senior Management Service Optional Annuity Program as provided in s. 121.055(6) and the State University System Optional Retirement Program as provided in s. 121.35 shall not receive the retiree health insurance subsidy provided in this section. The employer of such participant shall pay the contributions required in subsection (8) to the annuity program provided in s. 121.055(6)(d) or s. 121.35(4)(a), as applicable.

(3) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—

(a) Beginning January 1, 1988, each eligible retiree or a beneficiary who is a spouse or financial dependent thereof shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by \$1; however, no retiree may receive a subsidy payment of more than \$30 or less than \$10.

(b) Beginning January 1, 1989, each eligible retiree or a beneficiary who is a spouse or financial dependent shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by \$2; however, no retiree may receive a subsidy payment of more than \$60 or less than \$20.

(c) Beginning January 1, 1991, each eligible retiree or a beneficiary who is a spouse or financial dependent shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by \$3; however, no retiree may receive a subsidy payment of more than \$90 or less than \$30.

(d) Beginning January 1, 1999, each eligible retiree or, if the retiree is deceased, his or her beneficiary who is receiving a monthly benefit from such retiree's account and who is a spouse, or a person who meets the definition of joint annuitant in s. 121.021(28), shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021(17), completed at the time of retirement multiplied by \$5; however, no eligible retiree or such beneficiary may receive a subsidy payment of more than \$150 or less than \$50. If there are multiple beneficiaries, the total payment must not be greater than the payment to which the retiree was entitled.

(e)1. Beginning July 1, 2001, each eligible retiree of the pension plan of the Florida Retirement System, or, if the retiree is deceased, his or her beneficiary who is receiving a monthly benefit from such retiree's account and who is a spouse, or a person who meets the definition of joint annuitant in s. 121.021, shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as defined in s. 121.021, completed at the time of retirement multiplied by \$5; however, no eligible retiree or beneficiary may receive a subsidy payment of more than \$150 or less than \$30. If there are multiple beneficiaries, the total payment may not be greater than the payment to which the retiree was entitled. The health insurance subsidy amount payable to any person receiving the retiree health insurance subsidy payment on July 1, 2001, may not be reduced solely by operation of this subparagraph.

2. Beginning July 1, 2002, each eligible member of the investment plan of the Florida Retirement System who has met the requirements of this section, or, if the member is deceased, his or her spouse who is the member's designated beneficiary, shall receive a monthly retiree health insurance subsidy payment equal to the number of years of creditable service, as provided in this subparagraph, completed at the time of retirement, multiplied by \$5; however, an eligible retiree or beneficiary may not receive a subsidy payment of more than \$150 or less than \$30. For purposes of determining a member's creditable service used to calculate the health insurance subsidy, a member's years of service credit or fraction thereof shall be based on the member's work year as defined in s. 121.021(54). Credit must be awarded for a full work year if health insurance subsidy contributions

have been made for each month in the member's work year. In addition, all years of creditable service retained under the Florida Retirement System Pension Plan must be included as creditable service for purposes of this section. Notwithstanding any other provision in this section, the spouse at the time of death is the member's beneficiary unless such member has designated a different beneficiary subsequent to the member's most recent marriage.

(4) **PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.**—Beginning January 1, 1988, any monthly retiree health insurance subsidy amount due and payable under this section shall be paid to retired members by the Department of Management Services or under the direction and control of the department.

(5) **TRUST FUND ESTABLISHED.**—There is hereby established a trust fund in the state treasury to be entitled the Retiree Health Insurance Subsidy Trust Fund. Said trust fund shall be used to account for all moneys received and disbursed pursuant to this section. Should funding for the retiree health insurance subsidy program fail to provide full benefits for all participants, the benefits may be reduced or canceled at any time.

(6) **INVESTMENTS OF THE TRUST FUND.**—The State Board of Administration created by the authority of the State Constitution shall invest and reinvest the funds of the trust fund in accordance with ss. 215.44-215.53. Costs incurred by the Board of Administration incurring from the provisions of this section shall be deducted from the interest earnings accruing to the trust fund.

(7) **ADMINISTRATION OF SYSTEM.**—The Department of Management Services may adopt such rules and regulations as are necessary for the effective and efficient administration of this section. The cost of administration shall be appropriated from the trust fund.

(8) **CONTRIBUTIONS.**—For purposes of funding the insurance subsidy provided by this section:

(a) Beginning October 1, 1987, the employer of each member of a state-administered retirement plan shall contribute 0.24 percent of gross compensation each pay period.

(b) Beginning January 1, 1989, the employer of each member of a state-administered retirement plan shall contribute 0.48 percent of gross compensation each pay period.

(c) Beginning January 1, 1994, the employer of each member of a state-administered retirement plan shall contribute 0.56 percent of gross compensation each pay period.

(d) Beginning January 1, 1995, the employer of each member of a state-administered retirement plan shall contribute 0.66 percent of gross compensation each pay period.

(e) Beginning July 1, 1998, the employer of each member of a state-administered retirement plan shall contribute 0.94 percent of gross compensation each pay period.

(f) Beginning July 1, 2001, the employer of each member of a state-administered plan shall contribute 1.11 percent of gross compensation each pay period.

(g) Beginning July 1, 2013, the employer of each member of a state-administered plan shall contribute 1.20 percent of gross compensation each pay period.

(h) Beginning July 1, 2014, the employer of each member of a state-administered plan shall contribute 1.26 percent of gross compensation each pay period.

(i) Beginning July 1, 2015, the employer of each member of a state-administered plan shall contribute 1.66 percent of gross compensation each pay period.

Such contributions shall be submitted to the Department of Management Services and deposited in the Retiree Health Insurance Subsidy Trust Fund.

(9) **BENEFITS.**—Subsidy payments shall be payable under the retiree health insurance subsidy program only to participants in the program or their beneficiaries, beginning with the month the division receives certification of coverage for health insurance for the eligible retiree or beneficiary. If the division receives such certification at any time during the 6 months after retirement benefits commence, the retiree health insurance subsidy shall be paid retroactive to the effective retirement date. If, however, the division receives such certification 7 or more months after commencement of benefits, the retroactive retiree health insurance subsidy payment will cover a maximum of 6 months. Such subsidy payments shall not be subject to assignment, execution, or attachment or to any legal process whatsoever.

History.—s. 4, ch. 87-373; s. 3, ch. 88-382; s. 2, ch. 90-274; s. 47, ch. 92-279; s. 55, ch. 92-326; s. 2, ch. 93-193; s. 2, ch. 94-259; s. 1, ch. 98-413; s. 20, ch. 99-255; s. 18, ch. 2000-169; s. 13, ch. 2001-262; s. 1, ch. 2004-71; s. 1, ch. 2008-32; s. 9, ch. 2010-5; s. 3, ch. 2011-68; s. 1, ch. 2013-53; s. 1, ch. 2014-54; s. 1, ch. 2015-227.

PART V
SUSPENSION, REMOVAL, OR
RETIREMENT OF PUBLIC OFFICERS

- 112.40** Disposition of order of suspension.
- 112.41** Contents of order of suspension; Senate select committee; special magistrate.
- 112.42** Period during which grounds may have occurred.
- 112.43** Prosecution of suspension before Senate.
- 112.44** Failure to prove charges; payment of attorney's fees or salary.
- 112.45** Senate's report; results of prosecution.
- 112.46** Period during which suspension will lie.
- 112.47** Hearing before Senate select committee; notice.
- 112.48** Suspension when Senate not in session.
- 112.49** Persons exercising powers and duties of county officers subject to suspension by Governor.
- 112.50** Governor to retain power to suspend public officers.
- 112.501** Municipal board members; suspension; removal.
- 112.51** Municipal officers; suspension; removal from office.
- 112.511** Members of special district governing bodies; suspension; removal from office.
- 112.52** Removal of a public official when a method is not otherwise provided.

112.40 Disposition of order of suspension.—

An order of suspension by the Governor, upon its execution, shall be delivered to the Department of State. The department shall forthwith deliver copies by registered mail, or otherwise as it may be advised, to the officer suspended, the Secretary of the Senate, and the Attorney General. The order of suspension shall be effective upon the filing of the same with the department of state. No further communication by the Governor with the Senate shall be necessary to permit the Senate to act.

History.—s. 1, ch. 69-277; ss. 10, 35, ch. 69-106.

112.41 Contents of order of suspension; Senate select committee; special magistrate.—

(1) The order of the Governor, in suspending any officer pursuant to the provisions of s. 7, Art. IV of the State Constitution, shall specify facts sufficient to

advise both the officer and the Senate as to the charges made or the basis of the suspension.

(2) The Senate shall conduct a hearing in the manner prescribed by rules of the Senate adopted for this purpose.

(3) The Senate may provide for a select committee to be appointed by the Senate in accordance with its rules for the purpose of hearing the evidence and making its recommendation to the Senate as to the removal or reinstatement of the suspended officer.

(4) The Senate may, in lieu of the use of a select committee, appoint a special magistrate to receive the evidence and make recommendations to the Senate.

History.—s. 2, ch. 69-277; s. 60, ch. 2004-11.

112.42 Period during which grounds may have occurred.—The Governor may suspend any officer on any constitutional ground for such suspension that occurred during the existing term of the officer or during the next preceding 4 years.

History.—s. 3, ch. 69-277; s. 1, ch. 71-333.

112.43 Prosecution of suspension before Senate.—All suspensions heard by the Senate, a select committee, or special magistrate in accordance with rules of the Senate shall be prosecuted by the Governor, the Governor's legal staff, or an attorney designated by the Governor. Should the Senate, or the select committee appointed by the Senate to hear the evidence and to make recommendations, desire private counsel, either the Senate or the select committee shall be entitled to employ its own counsel for this purpose. Nothing herein shall prevent the Senate or its select committee from making its own investigation and presenting such evidence as its investigation may reveal. The Governor may request the advice of the Department of Legal Affairs relative to the suspension order prior to its issuance by the Governor. Following the issuance of the suspension order, either the Senate or the select committee may request the Department of Legal Affairs to provide counsel for the Senate to advise on questions of law or otherwise advise with the Senate or the select committee, but the Department of Legal Affairs shall not be required to prosecute before the Senate or the committee and shall, pursuant to the terms of this section, act as the legal adviser only.

History.—s. 4, ch. 69-277; s. 33, ch. 77-104; s. 712, ch. 95-147; s. 61, ch. 2004-11.

112.44 Failure to prove charges; payment of attorney's fees or salary.—In the event any officer suspended by the Governor shall not be removed by the Senate, the officer shall be reinstated, and the Senate may provide that the county, district, or state, as the case may be, shall pay reasonable attorney's fees and costs of the reinstated officer upon his or her

exoneration; or the Legislature may at any time after such reinstatement provide for the payment from general revenue funds of reasonable attorney's fees and costs or the salary and emoluments of office from the date of suspension to the date of reinstatement. The appropriation for such fees, costs, and salary and emoluments may be contained in the General Appropriations Act or any other appropriate general act. This part shall constitute sufficient authority for the payment of such attorney's fees and costs as the officer may reasonably have incurred in his or her own defense.

History.—s. 5, ch. 69-277; s. 2, ch. 80-333; s. 713, ch. 95-147.

112.45 Senate's report; results of prosecution.—

(1) The Secretary of the Senate shall, as soon as reasonably possible following the action of the Senate, file with the Department of State a report of the action of the Senate, including an order signed by the President and the Secretary specifying the action taken by the Senate. The action of the Senate shall become effective immediately upon the filing of the order with the Department of State, and the Department of State shall forthwith deliver copies of such order to the Governor, the officer involved, and the governing body of the county, district, or state, as the case may be. Any such order or any certified copy thereof, under the signature of the Secretary of State, may be recorded in the public records of any county in this state.

(2) The date of delivery of the order to the Department of State shall be the effective date of the removal or reinstatement, as the case may be, and, should the official be reinstated, he or she shall be entitled to reimbursement for such pay and emoluments of office from the date of suspension to that date, as though he or she had never been suspended, and the order of the Senate, or a certified copy thereof, shall constitute the authority of the county, district, or state, to make such payment for reimbursement.

History.—s. 6, ch. 69-277; ss. 10, 35, ch. 69-106; s. 714, ch. 95-147.

112.46 Period during which suspension will lie.—Any officer subject to suspension by the Governor pursuant to the State Constitution shall be subject to such suspension from the date provided by law for such officer to take office whether or not the Governor has executed and delivered the commission of office to the said officer. It is the intent of this part to provide that the formal execution of a commission by the Governor and a delivery thereof to the officer is a ministerial duty not necessary either to the performance of the duties of that officer or to the susceptibility to suspension of that officer. However, nothing in this part shall prohibit or preclude any officer claiming title to any office from seeking a judicial

determination of his or her right to such office, regardless of the issuance or nonissuance of a commission to such office.

History.—s. 7, ch. 69-277; s. 715, ch. 95-147.

112.47 Hearing before Senate select committee; notice.—The Senate shall afford each suspended official a hearing before a select committee or special magistrate, and shall notify such suspended official of the time and place of the hearing sufficiently in advance thereof to afford such official an opportunity fully and adequately to prepare such defenses as the official may be advised are necessary and proper, and all such defenses may be presented by the official or by the official's attorney. In the furtherance of this provision the Senate shall adopt sufficient procedural rules to afford due process both to the Governor in the presentation of his or her evidence and to the suspended official, but in the absence of such adoption, this section shall afford a full and complete hearing, public in nature, as required by the State Constitution. However, nothing in this part shall prevent either the select committee or the Senate from conducting portions of the hearing in executive session if the Senate rules so provide.

History.—s. 8, ch. 69-277; s. 716, ch. 95-147; s. 62, ch. 2004-11.

112.48 Suspension when Senate not in session.—The Governor may suspend any officer at any time, whether or not the Senate is in session. However, the Senate need not hear or determine the question of the suspension of the officer during any regular session.

History.—s. 9, ch. 69-277.

112.49 Persons exercising powers and duties of county officers subject to suspension by Governor.—In the administration of any city-county merger or city-county charter, or any such form of government which provides for the merging of the powers, duties, and functions of any municipal and county governments, any officer, official, or employee of such merged government who exercises the powers and duties of a county officer, whether he or she shall be elected or appointed, shall be deemed to be a county officer and therefore subject to the power of the Governor under the State Constitution to suspend officers. If the charter or other authority under which any city-county merger is accomplished shall provide means for the suspension or removal of such officers, then the power to suspend shall be concurrent in the city-county government and in the Governor.

History.—s. 2, ch. 71-333; s. 717, ch. 95-147.

112.50 Governor to retain power to suspend public officers.—Whenever any state, county, or municipal officer is made subject to suspension or removal by the terms of any statute or municipal charter, the power of the Governor to suspend officers shall not be affected by such statutory or charter provisions, and the power to suspend shall reside concurrently in the Governor and in the statutory or charter authority.

History.—s. 3, ch. 71-333.

112.501 Municipal board members; suspension; removal.—

(1) For the purposes of this section, the term “municipal board member” is defined as any person who is appointed or confirmed by the governing body of a municipality to be a member of a board, commission, authority, or council which is created or authorized by general law, special act, or municipal charter.

(2) By resolution specifying facts sufficient to advise a municipal board member as to the basis for his or her suspension or removal and after reasonable notice to the municipal board member and an opportunity for the member to be heard, a governing body of the municipality may:

(a) Suspend or remove from office any municipal board member for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform his or her official duties.

(b) Suspend from office any municipal board member who is arrested for a felony or for a misdemeanor related to the duties of office or who is indicted or informed against for the commission of any federal felony or misdemeanor or state felony or misdemeanor.

(3) In addition to the authority granted under subsection (2), the governing body of a municipality may remove from office any municipal board member who is convicted of a federal felony or misdemeanor or state felony or misdemeanor. For the purposes of this subsection, any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted, notwithstanding a suspension of sentence or a withholding of adjudication.

(4) A suspended municipal board member may, at any time before his or her removal, be reinstated by the governing body of the municipality in its discretion.

(5) The suspension of a municipal board member by the governing body of a municipality creates a temporary vacancy in such office during the suspension. Any temporary vacancy in office created by the suspension of a municipal board member under the provisions of this section shall be filled by a temporary appointment to such office for the period of the suspension, not to extend beyond the term of the suspended municipal board member. Such temporary

appointment shall be made in the same manner and by the same authority as provided by law for the filling of a permanent vacancy in such office. If no provision for filling a permanent vacancy in such office is provided by law, special act, or municipal charter, the temporary appointment shall be made by the governing body of the municipality.

(6) No municipal board member who has been suspended from office under this section may perform any official act, duty, or function during his or her suspension; receive any pay or allowance during his or her suspension; or be entitled to any of the emoluments or privileges of his or her office during suspension.

(7) If the municipal board member is acquitted or found not guilty or is otherwise cleared of the charges which were the basis of the arrest, indictment, or information by reason of which he or she was suspended under the provisions of this section, the governing body of the municipality shall forthwith revoke the suspension and restore such municipal board member to office; and the member shall be entitled to and be paid full back pay and other emoluments or allowances to which he or she would have been entitled for the full period of time of the suspension. If, during the suspension, the term of office of the municipal board member expires and a successor is either appointed or confirmed, such back pay, emoluments, or allowances shall only be paid for the duration of the term of office during which the municipal board member was suspended under the provisions of this section, and he or she shall not be reinstated.

(8) This section applies in the absence of a charter provision.

History.—s. 1, ch. 84-245; s. 718, ch. 95-147.

112.51 Municipal officers; suspension; removal from office.—

(1) By executive order stating the grounds for the suspension and filed with the Secretary of State, the Governor may suspend from office any elected or appointed municipal official for malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence, or permanent inability to perform official duties.

(2) Whenever any elected or appointed municipal official is arrested for a felony or for a misdemeanor related to the duties of office or is indicted or informed against for the commission of a federal felony or misdemeanor or state felony or misdemeanor, the Governor has the power to suspend such municipal official from office.

(3) The suspension of such official by the Governor creates a temporary vacancy in such office during the suspension. Any temporary vacancy in office created by suspension of an official under the

provisions of this section shall be filled by a temporary appointment to such office for the period of the suspension. Such temporary appointment shall be made in the same manner and by the same authority by which a permanent vacancy in such office is filled as provided by law. If no provision for filling a permanent vacancy in such office is provided by law, the temporary appointment shall be made by the Governor.

(4) No municipal official who has been suspended from office under this section may perform any official act, duty, or function during his or her suspension; receive any pay or allowance during his or her suspension; or be entitled to any of the emoluments or privileges of his or her office during suspension.

(5) If the municipal official is convicted of any of the charges contained in the indictment or information by reason of which he or she was suspended under the provisions of this section, the Governor shall remove such municipal official from office. If a person was selected to fill the temporary vacancy pursuant to subsection (3), that person shall serve the remaining balance, if any, of the removed official's term of office. Otherwise, any vacancy created by the removal shall be filled as provided by law. For the purposes of this section, any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted, notwithstanding a suspension of sentence or a withholding of adjudication.

(6) If the municipal official is acquitted or found not guilty or is otherwise cleared of the charges which were the basis of the arrest, indictment, or information by reason of which he or she was suspended under the provisions of this section, then the Governor shall forthwith revoke the suspension and restore such municipal official to office; and the official shall be entitled to and be paid full back pay and such other emoluments or allowances to which he or she would have been entitled for the full period of time of the suspension. If, during the suspension, the term of office of the municipal official expires and a successor is either appointed or elected, such back pay, emoluments, or allowances shall only be paid for the duration of the term of office during which the municipal official was suspended under the provisions of this section, and he or she shall not be reinstated.

History.—s. 1, ch. 67-66; s. 1, ch. 69-256; s. 3, ch. 73-129; s. 2, ch. 84-245; s. 16, ch. 87-224; s. 719, ch. 95-147; s. 50, ch. 2007-30.

Note.—Former s. 166.16.

112.511 Members of special district governing bodies; suspension; removal from office.—

(1) A member of the governing body of a special district, as defined in s. 189.012, who exercises the powers and duties of a state or a county officer, is

subject to the Governor's power under s. 7(a), Art. IV of the State Constitution to suspend such officers.

(2) A member of the governing body of a special district, as defined in s. 189.012, who exercises powers and duties other than that of a state or county officer, is subject to the suspension and removal procedures under s. 112.51.

History.—s. 4, ch. 2014-22.

112.52 Removal of a public official when a method is not otherwise provided.—

(1) When a method for removal from office is not otherwise provided by the State Constitution or by law, the Governor may by executive order suspend from office an elected or appointed public official, by whatever title known, who is indicted or informed against for commission of any felony, or for any misdemeanor arising directly out of his or her official conduct or duties, and may fill the office by appointment for the period of suspension, not to extend beyond the term.

(2) During the period of the suspension, the public official shall not perform any official act, duty, or function or receive any pay, allowance, emolument, or privilege of office.

(3) If convicted, the public official may be removed from office by executive order of the Governor. For the purpose of this section, any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted, notwithstanding the suspension of sentence or the withholding of adjudication.

(4) If the public official is acquitted or found not guilty, or the charges are otherwise dismissed, the Governor shall by executive order revoke the suspension; and the public official shall be entitled to full back pay and such other emoluments or allowances to which he or she would have been entitled had he or she not been suspended.

History.—s. 1, ch. 80-333; s. 720, ch. 95-147.

PART VI

LAW ENFORCEMENT AND CORRECTIONAL OFFICERS

- 112.531** Definitions.
- 112.532** Law enforcement officers' and correctional officers' rights.
- 112.533** Receipt and processing of complaints.
- 112.534** Failure to comply; official misconduct.
- 112.535** Construction.

112.531 Definitions.—As used in this part:

(1) "Law enforcement officer" means any person, other than a chief of police, who is employed full time by any municipality or the state or any political

subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff pursuant to s. 30.07.

(2) "Correctional officer" means any person, other than a warden, who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in s. 943.10(3). However, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel.

History.—s. 1, ch. 74-274; s. 1, ch. 75-41; s. 34, ch. 77-104; s. 1, ch. 82-156; s. 1, ch. 89-223; s. 1, ch. 93-19; s. 3, ch. 2000-161.

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) **RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.**—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation before any interrogation begins, and he or she must be informed of the names of all complainants. All identifiable witnesses shall be

interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights before commencing the interrogation.

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she has the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during the interrogation whenever the interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) **COMPLAINT REVIEW BOARDS.**—A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board,

with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) **CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.**—Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed. This section does not establish a separate civil action against the officer's employing law enforcement agency for the investigation and processing of a complaint filed under this part.

(4)(a) **NOTICE OF DISCIPLINARY ACTION.**—A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.

(b) Notwithstanding s. 112.533(2), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative shall, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(5) **RETALIATION FOR EXERCISING RIGHTS.**—No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

(6) **LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.**—

(a) Except as provided in this subsection, disciplinary action, suspension, demotion, or dismissal may not be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within 180 days after the date the agency receives notice of the allegation by a person authorized by the agency to initiate an investigation of the misconduct. If the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the specific action sought, including length of suspension, if applicable. Notice to the officer must be provided within 180 days after the date the agency received notice of the alleged misconduct, except as follows:

1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer or correctional officer.

2. The running of the limitations period is tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.

3. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period is tolled during the period of incapacitation or unavailability.

4. In a multijurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.

5. The running of the limitations period may be tolled for emergencies or natural disasters during the time period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.

6. The running of the limitations period is tolled during the time that the officer's compliance hearing proceeding is continuing beginning with the filing of the notice of violation and a request for a hearing and ending with the written determination of the compliance review panel or upon the violation being remedied by the agency.

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the predisciplinary response of the officer.

Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

History.—s. 2, ch. 74-274; s. 2, ch. 82-156; s. 2, ch. 93-19; s. 721, ch. 95-147; s. 1, ch. 98-249; s. 1, ch. 2000-184; s. 1, ch. 2003-149; s. 3, ch. 2005-100; s. 1, ch. 2007-110; s. 1, ch. 2009-200.

112.533 Receipt and processing of complaints.—

(1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which shall be the procedure for investigating a complaint against a law enforcement and correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.
2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. shall be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)1. Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer must within 5 business days forward the complaint to the employing agency of the

officer who is the subject of the complaint for review or investigation.

2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(2)(a) A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or to file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer shall be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately prior to the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed

to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding other provisions of this section, the complaint and information shall be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(3) A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(4) Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (2)(a). Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

History.—s. 3, ch. 74-274; s. 3, ch. 82-156; s. 1, ch. 82-405; s. 1, ch. 83-136; s. 1, ch. 87-59; s. 2, ch. 89-223; s. 1, ch. 90-32; s. 31, ch. 90-360; s. 3, ch. 93-19; s. 722, ch. 95-147; s. 39, ch. 96-406; s. 2, ch. 98-249; s. 2, ch. 2000-184; s. 2, ch. 2003-149; s. 33, ch. 2004-335; s. 42, ch. 2005-251; s. 2, ch. 2007-110; s. 1, ch. 2007-118; s. 2, ch. 2009-200.

112.534 Failure to comply; official misconduct.—

(1) If any law enforcement agency or correctional agency, including investigators in its internal affairs or professional standards division, or an assigned investigating supervisor, intentionally fails to comply with the requirements of this part, the following procedures apply. For purposes of this section, the term "law enforcement officer" or "correctional officer" includes the officer's representative or legal counsel, except in application of paragraph (d).

(a) The law enforcement officer or correctional officer shall advise the investigator of the intentional violation of the requirements of this part which is alleged to have occurred. The officer's notice of violation is sufficient to notify the investigator of the requirements of this part which are alleged to have been violated and the factual basis of each violation.

(b) If the investigator fails to cure the violation or continues the violation after being notified by the law enforcement officer or correctional officer, the officer shall request the agency head or his or her designee be informed of the alleged intentional violation. Once this request is made, the interview of the officer shall cease, and the officer's refusal to respond to further investigative questions does not constitute insubordination or any similar type of policy violation.

(c) Thereafter, within 3 working days, a written notice of violation and request for a compliance review hearing shall be filed with the agency head or designee which must contain sufficient information to identify the requirements of this part which are alleged to have been violated and the factual basis of each violation. All evidence related to the investigation must be preserved for review and presentation at the compliance review hearing. For purposes of confidentiality, the compliance review panel hearing shall be considered part of the original investigation.

(d) Unless otherwise remedied by the agency before the hearing, a compliance review hearing must be conducted within 10 working days after the request for a compliance review hearing is filed, unless, by mutual agreement of the officer and agency or for extraordinary reasons, an alternate date is chosen. The panel shall review the circumstances and facts surrounding the alleged intentional violation. The compliance review panel shall be made up of three members: one member selected by the agency head, one member selected by the officer filing the request, and a third member to be selected by the other two members. The review panel members shall be law enforcement officers or correctional officers who are active from the same law enforcement discipline as the officer requesting the hearing. Panel members may be selected from any state, county, or municipal agency within the county in which the officer works. The compliance review hearing shall be conducted in the county in which the officer works.

(e) It is the responsibility of the compliance review panel to determine whether or not the investigator or agency intentionally violated the requirements provided under this part. It may hear evidence, review relevant documents, and hear argument before making such a determination; however, all evidence received shall be strictly limited to the allegation under consideration and may not be related to the disciplinary charges pending against the officer. The investigative materials are considered

confidential for purposes of the compliance review hearing and determination.

(f) The officer bears the burden of proof to establish that the violation of this part was intentional. The standard of proof for such a determination is by a preponderance of the evidence. The determination of the panel must be made at the conclusion of the hearing, in writing, and filed with the agency head and the officer.

(g) If the alleged violation is sustained as intentional by the compliance review panel, the agency head shall immediately remove the investigator from any further involvement with the investigation of the officer. Additionally, the agency head shall direct an investigation be initiated against the investigator determined to have intentionally violated the requirements provided under this part for purposes of agency disciplinary action. If that investigation is sustained, the sustained allegations against the investigator shall be forwarded to the Criminal Justice Standards and Training Commission for review as an act of official misconduct or misuse of position.

(2)(a) All the provisions of s. 838.022 shall apply to this part.

(b) The provisions of chapter 120 do not apply to this part.

History.—s. 4, ch. 74-274; s. 35, ch. 77-104; s. 1, ch. 78-291; s. 4, ch. 82-156; s. 4, ch. 93-19; s. 3, ch. 2000-184; s. 8, ch. 2003-158; s. 3, ch. 2009-200; s. 5, ch. 2011-4; s. 6, ch. 2016-151.

112.535 Construction.—The provisions of chapter 93-19, Laws of Florida, shall not be construed to restrict or otherwise limit the discretion of the sheriff to take any disciplinary action, without limitation, against a deputy sheriff, including the demotion, reprimand, suspension, or dismissal thereof, nor to limit the right of the sheriff to appoint deputy sheriffs or to withdraw their appointment as provided in chapter 30. Neither shall the provisions of chapter 93-19, Laws of Florida, be construed to grant collective bargaining rights to deputy sheriffs or to provide them with a property interest or continued expectancy in their appointment as a deputy sheriff.

History.—s. 6, ch. 93-19.

PART VII

ACTUARIAL SOUNDNESS OF RETIREMENT SYSTEMS

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112.60 Short title.—This part may be cited as the “Florida Protection of Public Employee Retirement Benefits Act.”

History.—s. 1, ch. 78-170.

112.61 Legislative intent.—It is the intent of the Legislature in implementing the provisions of s. 14, Art. X of the State Constitution, relating to governmental retirement systems, that such retirement systems or plans be managed, administered, operated, and funded in such a manner as to maximize the protection of public employee retirement benefits. Inherent in this intent is the recognition that the pension liabilities attributable to the benefits promised public employees be fairly, orderly, and equitably funded by the current, as well as future, taxpayers. Accordingly, except as herein provided, it is the intent of this act to prohibit the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers. Actuarial experience may be used to fund additional benefits, provided that the present value of such benefits does not exceed the net actuarial experience accumulated from all sources of gains and losses. This act hereby establishes minimum standards for the operation and

funding of public employee retirement systems and plans.

History.—s. 1, ch. 78-170; s. 13, ch. 79-183; s. 1, ch. 83-37; s. 3, ch. 94-259.

112.62 Application.—The provisions of this part are applicable to any and all units, agencies, branches, departments, boards, and institutions of state, county, special district, and municipal governments which participate in, operate, or administer a retirement system or plan for public employees, funded in whole or in part by public funds. The provisions of this part supplement and, to the extent there are conflicts, prevail over the provisions of existing laws and local ordinances relating to such retirement systems or plans.

History.—s. 1, ch. 78-170.

112.625 Definitions.—As used in this act:

(1) “Retirement system or plan” means any employee pension benefit plan supported in whole or in part by public funds, provided such plan is not:

(a) An employee benefit plan described in s. 4(a) of the Employee Retirement Income Security Act of 1974, which is not exempt under s. 4(b)(1) of such act;

(b) A plan which is unfunded and is maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees;

(c) A coverage agreement entered into pursuant to s. 218 of the Social Security Act;

(d) An individual retirement account or an individual retirement annuity within the meaning of s. 408, or a retirement bond within the meaning of s. 409, of the Internal Revenue Code of 1954;

(e) A plan described in s. 401(d) of the Internal Revenue Code of 1954; or

(f) An individual account consisting of an annuity contract described in s. 403(b) of the Internal Revenue Code of 1954.

(2) “Plan administrator” means the person so designated by the terms of the instrument or instruments, ordinance, or statute under which the plan is operated. If no plan administrator has been designated, the plan sponsor shall be considered the plan administrator.

(3) “Enrolled actuary” means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(4) “Benefit increase” means a change or amendment in the plan design or benefit structure which results in increased benefits for plan members or beneficiaries.

(5) “Governmental entity” means the state, for the Florida Retirement System, and the county, municipality, special district, or district school board

which is the employer of the member of a local retirement system or plan.

(6) “Pension or retirement benefit” means any benefit, including a disability benefit, paid to a member or beneficiary of a retirement system or plan as defined in subsection (1).

(7) “Statement value” means the value of assets in accordance with s. 302(c)(2) of the Employee Retirement Income Security Act of 1974 and as permitted under regulations prescribed by the Secretary of the Treasury as amended by Pub. L. No. 100-203, as such sections are in effect on August 16, 2006. Assets for which a fair market value is not provided shall be excluded from the assets used in the determination of annual funding cost.

(8) “Named fiduciary,” “board,” or “board of trustees” means the person or persons so designated by the terms of the instrument or instruments, ordinance, or statute under which the plan is operated.

(9) “Plan sponsor” means the local governmental entity that has established or that may establish a local retirement system or plan.

History.—s. 14, ch. 79-183; s. 2, ch. 83-37; s. 1, ch. 2000-264; s. 7, ch. 2004-305; s. 1, ch. 2008-139.

112.63 Actuarial reports and statements of actuarial impact; review.—

(1) Each retirement system or plan subject to the provisions of this act shall have regularly scheduled actuarial reports prepared and certified by an enrolled actuary. The actuarial report shall consist of, but is not limited to, the following:

(a) Adequacy of employer and employee contribution rates in meeting levels of employee benefits provided in the system and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate to enable payment through the indefinite future of the benefit amounts prescribed by the system, which shall include a valuation of present assets, based on statement value, and prospective assets and liabilities of the system and the extent of unfunded accrued liabilities, if any.

(b) A plan to amortize any unfunded liability pursuant to s. 112.64 and a description of actions taken to reduce the unfunded liability.

(c) A description and explanation of actuarial assumptions.

(d) A schedule illustrating the amortization of unfunded liabilities, if any.

(e) A comparative review illustrating the actual salary increases granted and the rate of investment return realized over the 3-year period preceding the actuarial report with the assumptions used in both the preceding and current actuarial reports.

(f) Effective January 1, 2016, the mortality tables used in either of the two most recently published actuarial valuation reports of the Florida Retirement

System, including the projection scale for mortality improvement. Appropriate risk and collar adjustments must be made based on plan demographics. The tables must be used for assumptions for preretirement and postretirement mortality.

(g) A statement by the enrolled actuary that the report is complete and accurate and that in his or her opinion the techniques and assumptions used are reasonable and meet the requirements and intent of this act.

The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974 and as permitted under regulations prescribed by the Secretary of the Treasury.

(2) The frequency of actuarial reports must be at least every 3 years commencing from the last actuarial report of the plan or system or October 1, 1980, if no actuarial report has been issued within the 3-year period prior to October 1, 1979. The results of each actuarial report shall be filed with the plan administrator within 60 days of certification. Thereafter, the results of each actuarial report shall be made available for inspection upon request. Additionally, each retirement system or plan covered by this act which is not administered directly by the Department of Management Services shall furnish a copy of each actuarial report to the Department of Management Services within 60 days after receipt from the actuary. The requirements of this section are supplemental to actuarial valuations necessary to comply with the requirements of s. 218.39.

(3) No unit of local government shall agree to a proposed change in retirement benefits unless the administrator of the system, prior to adoption of the change by the governing body, and prior to the last public hearing thereon, has issued a statement of the actuarial impact of the proposed change upon the local retirement system, consistent with the actuarial review, and has furnished a copy of such statement to the division. Such statement shall also indicate whether the proposed changes are in compliance with s. 14, Art. X of the State Constitution and with s. 112.64.

(4) Upon receipt, pursuant to subsection (2), of an actuarial report, or, pursuant to subsection (3), of a statement of actuarial impact, the Department of Management Services shall acknowledge such receipt, but shall only review and comment on each retirement system's or plan's actuarial valuations at least on a triennial basis.

(a) If the department finds that the actuarial valuation is not complete, accurate, or based on reasonable assumptions or otherwise materially fails to satisfy the requirements of this part; requires additional material information necessary to complete its review of the actuarial valuation of a system or plan or

material information necessary to satisfy the duties of the department pursuant to s. 112.665(1); or does not receive the actuarial report or statement of actuarial impact, the department shall notify the administrator of the affected retirement system or plan and the affected governmental entity and request appropriate adjustment, the additional material information, or the required report or statement. The notification must inform the administrator and the affected governmental entity of the consequences for failing to comply with the requirements of this subsection.

(b) If, after a reasonable period of time, a satisfactory adjustment is not made or the report, statement, or additional material information is not provided, the department may notify the Department of Revenue and the Department of Financial Services of the noncompliance, and the Department of Revenue and the Department of Financial Services shall withhold any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity until the adjustment is made or the report, statement, or additional material information is provided to the department. The Department of Management Services shall specify the date such action is to begin and notify the Department of Revenue, the Department of Financial Services, and the affected governmental entity 30 days before the specified date.

(c) Within 21 days after receipt of the notice, the affected governmental entity may petition the Department of Management Services for a hearing under ss. 120.569 and 120.57. The Department of Revenue and the Department of Financial Services may not be parties to the hearing, but may request to intervene if requested by the Department of Management Services or if the Department of Revenue or the Department of Financial Services determines its interests may be adversely affected by the hearing.

1. If the administrative law judge recommends in favor of the department, the department shall perform an actuarial review, prepare the statement of actuarial impact, or collect the requested material information. The cost to the department of performing the actuarial review, preparing the statement, or collecting the requested material information shall be charged to the affected governmental entity whose employees are covered by the retirement system or plan. If payment is not received by the department within 60 days after the affected governmental entity receives the request for payment, the department shall certify to the Department of Revenue and the Department of Financial Services the amount due, and the Department of Revenue and the Department of Financial Services shall pay such amount to the Department of Management Services from funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity.

2. If the administrative law judge recommends in favor of the affected governmental entity and the department performs an actuarial review, prepares the statement of actuarial impact, or collects the requested material information, the cost to the department shall be paid by the Department of Management Services.

(d) In the case of an affected special district, the Department of Management Services shall also notify the Department of Economic Opportunity. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.067.

1. Failure of a special district to provide a required report or statement, to make appropriate adjustments, or to provide additional material information after the procedures specified in s. 189.067(1) are exhausted shall be deemed final action by the special district.

2. The Department of Management Services may notify the Department of Economic Opportunity of those special districts that failed to come into compliance. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.067(4).

(5) Payments made to the fund as required by this chapter shall be based on the normal and past service costs contained in the most recent actuarial valuation, subject to being state-accepted.

(6) Beginning July 1, 1980, each retirement system or plan of a unit of local government shall maintain, in accurate and accessible form, the following information:

(a) For each active and inactive member of the system, a number or other means of identification; date of birth; sex; date of employment; period of credited service, split, if required, between prior service and current service; and occupational classification.

(b) For each active member, current pay rate, cumulative contributions together with accumulated interest, if credited, age at entry into system, and current rate of contribution.

(c) For each inactive member, average final compensation or equivalent and age at which deferred benefit is to begin.

(d) For each retired member and other beneficiary, a number or other means of identification, date of birth, sex, beginning date of benefit, type of retirement and amount of monthly benefit, and type of survivor benefit.

History.—s. 1, ch. 78-170; s. 15, ch. 79-183; s. 3, ch. 83-37; s. 48, ch. 92-279; s. 55, ch. 92-326; s. 23, ch. 94-249; s. 1418, ch. 95-147; s. 2, ch. 96-324; s. 16, ch. 96-410; s. 21, ch. 99-255; s. 1, ch. 99-392; s. 31, ch. 2001-266; s. 132, ch. 2003-261; s. 8, ch. 2004-305; s. 14, ch. 2005-2; s. 45, ch. 2011-142; s. 3, ch. 2011-144; s. 1, ch. 2011-216; s. 12, ch. 2013-15; s. 1, ch. 2013-100; s. 59, ch. 2014-22; s. 1, ch. 2015-157.

112.64 Administration of funds; amortization of unfunded liability.—

(1) Employee contributions shall be deposited in the retirement system or plan at least monthly. Employer contributions shall be deposited at least quarterly; however, any revenues received from any source by an employer which are specifically collected for the purpose of allocation for deposit into a retirement system or plan shall be so deposited within 30 days of receipt by the employer. All employers and employees participating in the Florida Retirement System and other existing retirement systems which are administered by the Department of Management Services shall continue to make contributions at least monthly.

(2) From and after October 1, 1980, for those plans in existence on October 1, 1980, the total contributions to the retirement system or plan shall be sufficient to meet the normal cost of the retirement system or plan and to amortize the unfunded liability, if any, within 40 years; however, nothing contained in this subsection permits any retirement system or plan to amortize its unfunded liabilities over a period longer than that which remains under its current amortization schedule.

(3) For a retirement system or plan which comes into existence after October 1, 1980, the unfunded liability, if any, shall be amortized within 40 years of the first plan year.

(4) The net increase, if any, in unfunded liability under the plan arising from significant plan amendments adopted, changes in actuarial assumptions, changes in funding methods, or actuarial gains or losses shall be amortized within 30 plan years.

(5)(a) If the amortization schedule for unfunded liability is to be based on a contribution derived in whole or in part from a percentage of the payroll of the system or plan membership, the assumption as to payroll growth shall not exceed the average payroll growth for the 10 years prior to the latest actuarial valuation of the system or plan unless a transfer, merger, or consolidation of government functions or services occurs, in which case the assumptions for payroll growth may be adjusted and may be based on the membership of the retirement plan or system subsequent to such transfer, merger, or consolidation.

(b) An unfunded liability amortization schedule that includes a payroll growth assumption and is in existence on September 30, 1996, or is established thereafter, may be continued using the same payroll growth assumption, or one not exceeding the payroll growth assumption established at the start of the schedule, regardless of the actual 10-year average payroll growth rate, provided that:

1. The assumptions underlying the payroll growth rate are consistent with the actuarial assumptions used

to determine unfunded liabilities, including, but not limited to, the inflation assumption; and

2. The payroll growth rate is reasonable and consistent with future expectations of payroll growth.

(c) An unfunded liability amortization schedule that does not include a payroll growth assumption and is in existence on September 30, 1996, or is established thereafter, may be continued or modified to include a payroll growth assumption, provided that such assumption does not exceed the 10-year average payroll growth rate as of the actuarial valuation date such change in the amortization schedule commences. Such schedule may be continued thereafter, subject to the reasonable and consistent requirements in paragraph (b).

(6)(a) Notwithstanding any other provision of this part, the proceeds of a pension liability surtax imposed by a county pursuant to s. 212.055, which is levied for the purpose of funding or amortizing the unfunded liability of a defined benefit retirement plan or system, excluding the Florida Retirement System, shall be actuarially recognized, and the county shall apply the present value of the total projected proceeds of the surtax to reduce the unfunded liability or to amortize it as part of the county's annual required contribution, beginning with the fiscal year immediately following approval of the pension liability surtax. The unfunded liability amortization schedule must be adjusted beginning with the fiscal year immediately following approval of the pension liability surtax and amortized over a period of 30 years.

(b) The payroll of all employees in classifications covered by a closed retirement plan or system that receives funds from the pension liability surtax must be included in determining the unfunded liability amortization schedule for the closed plan, regardless of the plan in which the employees currently participate, and the payroll growth assumption must be adjusted to reflect the payroll of those employees when calculating the amortization of the unfunded liability.

(7) Nothing contained in this section shall result in the allocation of chapter 175 or chapter 185 premium tax funds to any other retirement system or plan or for any other use than the exclusive purpose of providing retirement benefits for firefighters or police officers.

History.—s. 1, ch. 78-170; s. 16, ch. 79-183; s. 2, ch. 84-266; s. 2, ch. 96-368; s. 22, ch. 99-255; s. 1, ch. 2016-146.

112.65 Limitation of benefits.—

(1) ESTABLISHMENT OF PROGRAM.—The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, may not exceed 100 percent of his or her average final compensation. However, this section does not apply to

supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments. For the purposes of this section, benefits accruing in individual member accounts established under the investment plan established in part II of chapter 121 are considered supplemental benefits. As used in this section, the term “average final compensation” means the average of the member's earnings over a period of time which the governmental entity has established by statute, charter, or ordinance.

(2) RESTRICTION.—No member of a retirement system or plan covered by this part who is not now a member of such plan shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under chapter 67, Title 10, United States Code.

History.—s. 1, ch. 78-170; s. 17, ch. 79-183; s. 4, ch. 88-382; s. 723, ch. 95-147; s. 2, ch. 99-392; s. 1, ch. 2000-169; s. 4, ch. 2011-68.

112.656 Fiduciary duties; certain officials included as fiduciaries.—

(1) A fiduciary shall discharge his or her duties with respect to a plan solely in the interest of the participants and beneficiaries for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan.

(2) Each retirement system or plan shall have one or more named fiduciaries with authority to control and manage the administration and operation of the retirement system or plan. However, the plan administrator, and any officer, trustee, and custodian, and any counsel, accountant, and actuary of the retirement system or plan who is employed on a full-time basis, shall be included as fiduciaries of such system or plan.

(3) A retirement system or plan may purchase insurance for its named fiduciary to cover liability or losses incurred by reason of act or omission of the fiduciary.

History.—s. 18, ch. 79-183; s. 724, ch. 95-147.

112.658 Office of Program Policy Analysis and Government Accountability to determine compliance of the Florida Retirement System.—

(1) The Office of Program Policy Analysis and Government Accountability shall determine, through the examination of actuarial reviews, financial statements, and the practices and procedures of the Department of Management Services, the compliance of the Florida Retirement System with the provisions of this act.

(2) The Office of Program Policy Analysis and Government Accountability shall employ an independent consulting actuary who is an enrolled actuary as defined in this part to assist in the determination of compliance.

(3) The Office of Program Policy Analysis and Government Accountability shall employ the same actuarial standards to monitor the Department of Management Services as the Department of Management Services uses to monitor local governments.

History.—s. 18, ch. 79-183; s. 4, ch. 83-37; s. 3, ch. 96-368; s. 23, ch. 99-255.

112.66 General provisions.—The following general provisions relating to the operation and administration of any retirement system or plan covered by this part shall be applicable:

(1) The provisions of each retirement system or plan shall be contained in a written summary plan description, to be published on a biennial basis, in a manner calculated to be understood by the average plan participant and sufficiently accurate and comprehensive to apprise participants of their rights and obligations under the plan and which shall include a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the plan. Such summary plan description shall be furnished to a member of the system or plan upon initial employment or participation in such plan and, thereafter, with each new biennial publication by the administrator. The administrator of each plan shall publish the summary plan description not later than 210 days after the end of the plan year in which publication is required. During those years when a complete summary plan description is not published, the administrator of each plan or retirement system shall publish a supplement of changes during the previous year to be furnished to new members of the system upon initial employment or participation in the plan.

(2) The plan description shall contain the following information: the name and type of administration of the plan; the name and address of the person designated as agent for the service of legal process, if such person is not the administrator; the name and address of the administrator; the names, titles, and addresses of any trustee or trustees, if they are persons different from the administrator; a description of the relevant provisions of any applicable collective bargaining agreement; the plan's requirements respecting eligibility for participation and benefits; a description of the provisions providing for nonforfeitable pension benefits; the circumstances which may result in disqualification, ineligibility, or denial or forfeiture of benefits; the source of financing of the plan and the identity of any organization through which benefits are provided; the date of the end of the

plan year and whether the records of the plan are kept on a calendar, policy, or fiscal year basis; the procedures to be followed in presenting claims for benefits under the plan and the remedies available under the plan for the redress of claims which are denied in whole or in part; citations to the relevant provisions of state or local law and regulations governing the establishment, operation, and administration of the plan; a description of those provisions which specify the conditions under which pension benefits become vested pension benefits; and a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the plan.

(3) Each retirement system or plan shall provide for a plan administrator.

(4) Any provision in a legal agreement, contract, or instrument which purports to relieve a fiduciary of a retirement system or plan from responsibility or liability is void as being against public policy.

(5) A civil action may be brought by a member or beneficiary of a retirement system or plan to recover benefits due to him or her under the terms of his or her retirement system or plan, to enforce the member's or beneficiary's rights, or to clarify his or her rights to future benefits under the terms of the retirement system or plan.

(6) The governmental entity responsible for the administration and operation of a retirement system or plan may sue or be sued as an entity.

(7) There shall be timely adequate written notice given to any member or beneficiary whose claim for benefits under the terms of his or her retirement system or plan has been denied, setting forth the specific reasons for such denial. Unless otherwise provided by law, the terms of the retirement system or plan shall provide for a full and fair review in those cases when a member or beneficiary has had his or her claim to benefits denied.

(8) The assets and liabilities of a retirement system or plan shall remain under the ultimate control of the governmental unit responsible for the retirement system or plan, unless an irrevocable trust has been or is established for the purpose of managing and controlling the retirement system or plan, in which case the board of trustees shall have ultimate control over the assets and liabilities of the retirement system or plan. Nothing herein shall absolve the governmental unit from being ultimately responsible for the payment of its contribution to a retirement system or plan nor remove from the governmental unit the ultimate authority to adjust benefits consistent with the Florida Statutes and the retirement system or plan; however, nothing contained herein shall be construed to permit the creation of such irrevocable trust except by special act of the Legislature.

(9) The instrument or instruments, ordinance, or statute under which a retirement system or plan

operates shall provide that all assets of such retirement system or plan shall be held in trust by the board of trustees or, when an irrevocable trust does not exist, by the governmental entity.

(10) No plan shall discriminate in its benefit formula based on color, national origin, sex, or marital status. Nothing herein shall preclude a plan from actuarially adjusting benefits or offering options based on age, early retirement, or disability.

(11) For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, when calculating retirement benefits, a defined benefit pension system or plan sponsored by a local government may include up to 300 hours per year of overtime compensation as specified in the plan or collective bargaining agreement, but may not include any payments for accrued unused sick leave or annual leave. For those members whose terms and conditions of employment are collectively bargained, this subsection is effective for the first agreement entered into on or after July 1, 2011. This subsection does not apply to state-administered retirement systems or plans.

(12) An actuarial or cash surplus in any system or plan may not be used for any expenses outside the plan.

(13) A local government sponsor of a retirement system or plan may not reduce contributions required to fund the normal cost. This subsection does not apply to state-administered retirement systems or plans.

(14) The state is not liable for any obligation relating to any current or future shortfall in any local government retirement system or plan.

History.—s. 1, ch. 78-170; s. 20, ch. 79-183; s. 3, ch. 90-274; s. 725, ch. 95-147; s. 2, ch. 2011-216; s. 2, ch. 2013-100.

112.661 Investment policies.—Investment of the assets of any local retirement system or plan must be consistent with a written investment policy adopted by the board. Such policies shall be structured to maximize the financial return to the retirement system or plan consistent with the risks incumbent in each investment and shall be structured to establish and maintain an appropriate diversification of the retirement system or plan's assets.

(1) **SCOPE.**—The investment policy shall apply to funds under the control of the board.

(2) **INVESTMENT OBJECTIVES.**—The investment policy shall describe the investment objectives of the board.

(3) **PERFORMANCE MEASUREMENT.**—The investment policy shall specify performance measures as are appropriate for the nature and size of the assets within the board's custody.

(4) **INVESTMENT AND FIDUCIARY STANDARDS.**—The investment policy shall describe

the level of prudence and ethical standards to be followed by the board in carrying out its investment activities with respect to funds described in this section. The board in performing its investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A)-(C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this section shall prevail.

(5) **AUTHORIZED INVESTMENTS.**—

(a) The investment policy shall list investments authorized by the board. Investments not listed in the investment policy are prohibited. Unless otherwise authorized by law or ordinance, the investment of the assets of any local retirement system or plan covered by this part shall be subject to the limitations and conditions set forth in s. 215.47(1)-(6), (8), (9), (11) and (17).

(b) If a local retirement system or plan has investments that, on October 1, 2000, either exceed the applicable limit or do not satisfy the applicable investment standard, such excess or investment not in compliance with the policy may be continued until such time as it is economically feasible to dispose of such investment. However, no additional investment may be made in the investment category which exceeds the applicable limit, unless authorized by law or ordinance.

(6) **MATURITY AND LIQUIDITY REQUIREMENTS.**—The investment policy shall require that the investment portfolio be structured in such manner as to provide sufficient liquidity to pay obligations as they come due. To that end, the investment policy should direct that, to the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash-flow requirements.

(7) **PORTFOLIO COMPOSITION.**—The investment policy shall establish guidelines for investments and limits on security issues, issuers, and maturities. Such guidelines shall be commensurate with the nature and size of the funds within the custody of the board.

(8) **RISK AND DIVERSIFICATION.**—The investment policy shall provide for appropriate diversification of the investment portfolio. Investments held should be diversified to the extent practicable to control the risk of loss resulting from overconcentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which financial instruments are bought and sold. Diversification strategies within the established guidelines shall be reviewed and revised periodically, as deemed necessary by the board.

(9) **EXPECTED ANNUAL RATE OF RETURN.**—The investment policy shall require that, for each actuarial valuation, the board determine the total expected annual rate of return for the current year, for

each of the next several years, and for the long term thereafter. This determination must be filed promptly with the Department of Management Services and with the plan's sponsor and the consulting actuary. The department shall use this determination only to notify the board, the plan's sponsor, and consulting actuary of material differences between the total expected annual rate of return and the actuarial assumed rate of return.

(10) **THIRD-PARTY CUSTODIAL AGREEMENTS.**—The investment policy shall provide appropriate arrangements for the holding of assets of the board. Securities should be held with a third party, and all securities purchased by, and all collateral obtained by, the board should be properly designated as an asset of the board. No withdrawal of securities, in whole or in part, shall be made from safekeeping except by an authorized member of the board or the board's designee. Securities transactions between a broker-dealer and the custodian involving purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction.

(11) **MASTER REPURCHASE AGREEMENT.**—The investment policy shall require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Master Repurchase Agreement. All repurchase agreement transactions shall adhere to the requirements of the Master Repurchase Agreement.

(12) **BID REQUIREMENT.**—The investment policy shall provide that the board determine the approximate maturity date based on cash-flow needs and market conditions, analyze and select one or more optimal types of investment, and competitively bid the security in question when feasible and appropriate. Except as otherwise required by law, the most economically advantageous bid must be selected.

(13) **INTERNAL CONTROLS.**—The investment policy shall provide for a system of internal controls and operational procedures. The board shall establish a system of internal controls which shall be in writing and made a part of the board's operational procedures. The policy shall provide for review of such controls by independent certified public accountants as part of any financial audit periodically required of the board's unit of local government. The internal controls should be designed to prevent losses of funds which might arise from fraud, error, misrepresentation by third parties, or imprudent actions by the board or employees of the unit of local government.

(14) **CONTINUING EDUCATION.**—The investment policy shall provide for the continuing education of the board members in matters relating to investments and the board's responsibilities.

(15) **REPORTING.**—The investment policy shall provide for appropriate annual or more frequent reporting of investment activities. To that end, the board shall prepare periodic reports for submission to the governing body of the unit of local government which shall include investments in the portfolio by class or type, book value, income earned, and market value as of the report date. Such reports shall be available to the public.

(16) **FILING OF INVESTMENT POLICY.**—Upon adoption by the board, the investment policy shall be promptly filed with the Department of Management Services and the plan's sponsor and consulting actuary. The effective date of the investment policy, and any amendment thereto, shall be the 31st calendar day following the filing date with the plan sponsor.

(17) **VALUATION OF ILLIQUID INVESTMENTS.**—The investment policy shall provide for the valuation of illiquid investments for which a generally recognized market is not available or for which there is no consistent or generally accepted pricing mechanism. If those investments are utilized, the investment policy must include the criteria set forth in s. 215.47(6), except that submission to the Investment Advisory Council is not required. The investment policy shall require that, for each actuarial valuation, the board must verify the determination of the fair market value for those investments and ascertain that the determination complies with all applicable state and federal requirements. The investment policy shall require that the board disclose to the Department of Management Services and the plan's sponsor each such investment for which the fair market value is not provided.

History.—s. 2, ch. 2000-264; s. 6, ch. 2009-21.

112.664 Reporting standards for defined benefit retirement plans or systems.—

(1) In addition to the other reporting requirements of this part, within 60 days after receipt of the certified actuarial report submitted after the close of the plan year that ends on or after December 31, 2015, and thereafter in each year required under s. 112.63(2), each defined benefit retirement system or plan, excluding the Florida Retirement System, shall prepare and electronically report the following information to the Department of Management Services in a format prescribed by the department:

(a) Annual financial statements that comply with the requirements of the Governmental Accounting Standards Board's Statement No. 67, titled "Financial Reporting for Pension Plans," and Statement No. 68, titled "Accounting and Financial Reporting for Pensions," using mortality tables used in either of the two most recently published actuarial valuation reports of the Florida Retirement System, including the projection scale for mortality improvement. Appropriate

risk and collar adjustments must be made based on plan demographics. The tables must be used for assumptions for preretirement and postretirement mortality.

(b) Annual financial statements similar to those required under paragraph (a), but which use an assumed rate of return on investments and an assumed discount rate that are equal to 200 basis points less than the plan's assumed rate of return.

(c) Information indicating the number of months or years for which the current market value of assets are adequate to sustain the payment of expected retirement benefits as determined in the plan's latest valuation and under the financial statements prepared pursuant to paragraphs (a) and (b).

(d) Information indicating the recommended contributions to the plan based on the plan's latest valuation, and the contributions necessary to fund the plan based on financial statements prepared pursuant to paragraphs (a) and (b), stated as an annual dollar value and a percentage of valuation payroll.

(2) Each defined benefit retirement system or plan, excluding the Florida Retirement System, and its plan sponsor:

(a) Shall provide the information required by this section and the funded ratio of the system or plan as determined in the most recent actuarial valuation as part of the disclosures required under s. 166.241(3) and on any website that contains budget information relating to the plan sponsor or actuarial or performance information related to the system or plan.

(b) That has a publicly available website shall provide on that website:

1. The plan's most recent financial statement and actuarial valuation, including a link to the Division of Retirement Actuarial Summary Fact Sheet for that plan.

2. For the previous 5 years, beginning with 2013, a side-by-side comparison of the plan's assumed rate of return compared to the actual rate of return, as well as the percentages of cash, equity, bond, and alternative investments in the plan portfolio.

3. Any charts and graphs of the data provided in subparagraphs 1. and 2., presented in a standardized, user-friendly, and easily interpretable format as prescribed by the department.

(3) The plan shall be deemed to be in noncompliance if it has not submitted the required information to the Department of Management Services within 60 days after receipt of the certified actuarial report for the plan year for which the information is required to be submitted to the department.

(a) The Department of Management Services may notify the Department of Revenue and the Department of Financial Services of the noncompliance, and the Department of Revenue and

the Department of Financial Services shall withhold any funds not pledged for satisfaction of bond debt service and which are payable to the plan sponsor until the information is provided to the department. The department shall specify the date the withholding is to begin and notify the Department of Revenue, the Department of Financial Services, and the plan sponsor 30 days before the specified date.

(b) Within 21 days after receipt of the notice, the plan sponsor may petition the Department of Management Services for a hearing under ss. 120.569 and 120.57. The Department of Revenue and the Department of Financial Services may not be parties to the hearing, but may request to intervene if requested by the department or if the Department of Revenue or the Department of Financial Services determines its interests may be adversely affected by the hearing.

History.—s. 3, ch. 2013-100; s. 2, ch. 2015-157.

112.665 Duties of Department of Management Services.—

(1) The Department of Management Services shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Annually issue, by January 1, a report to the President of the Senate and the Speaker of the House of Representatives, which details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations;

(e) Provide a fact sheet for each participating local government defined benefit pension plan which summarizes the plan's actuarial status. The fact sheet should provide a summary of the plan's most current actuarial data, minimum funding requirements as a percentage of pay, and a 5-year history of funded ratios. The fact sheet must include a brief explanation of each element in order to maximize the transparency of the local government plans. The fact sheet must also contain the information specified in s. 112.664(1). These documents shall be posted on the department's website. Plan sponsors that have websites must provide a link to the department's website;

(f) Annually issue, by January 1, a report to the Special District Accountability Program of the Department of Economic Opportunity which includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state-administered retirement system provisions specified in part I of chapter 121; and

(g) Adopt reasonable rules to administer this part.

(2) The department may subpoena actuarial witnesses, review books and records, hold hearings, and take testimony. A witness shall have the right to be accompanied by counsel.

History.—s. 19, ch. 79-183; s. 7, ch. 84-254; s. 34, ch. 89-169; s. 49, ch. 92-279; s. 55, ch. 92-326; s. 24, ch. 94-249; s. 24, ch. 99-255; s. 14, ch. 2000-169; s. 46, ch. 2011-142; s. 3, ch. 2011-216; s. 4, ch. 2013-100; s. 60, ch. 2014-22.

112.67 Special acts prohibited.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application in conflict with the requirements of this part.

History.—s. 2, ch. 78-170.

PART VIII FIREFIGHTERS

- 112.80** Short title.
- 112.81** Definitions.
- 112.82** Rights of firefighters.
- 112.83** Rights of firefighters with respect to civil suits.
- 112.84** Rights of firefighters nonexclusive.

112.80 Short title.—This part may be cited as the “Firefighters’ Bill of Rights.”

History.—s. 1, ch. 86-6.

112.81 Definitions.—As used in this part:

(1) “Firefighter” means a person who is certified in compliance with s. 633.408 and who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.

(2) “Employing agency” means any municipality or the state or any political subdivision thereof, including authorities and special districts, which employs firefighters.

(3) “Informal inquiry” means a meeting by supervisory or management personnel with a firefighter about whom an allegation of misconduct has come to the attention of such supervisory or management

personnel, the purpose of which meeting is to mediate a complaint or discuss the facts to determine whether a formal investigation should be commenced.

(4) “Formal investigation” means the process of investigation ordered by supervisory personnel, after the supervisory personnel have previously determined that the firefighter shall be reprimanded, suspended, or removed, during which the questioning of a firefighter is conducted for the purpose of gathering evidence of misconduct.

(5) “Administrative proceeding” means any nonjudicial hearing which may result in the recommendation, approval, or order of disciplinary action against, or suspension or discharge of, a firefighter.

(6) “Interrogation” means the questioning of a firefighter by an employing agency in connection with a formal investigation or an administrative proceeding but shall not include arbitration or civil service proceedings. Questioning pursuant to an informal inquiry shall not be deemed to be an interrogation.

History.—s. 1, ch. 86-6; s. 118, ch. 2013-183.

112.82 Rights of firefighters.—Whenever a firefighter is subjected to an interrogation, such interrogation shall be conducted pursuant to the terms of this section.

(1) The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility which has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

(2) No firefighter shall be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter of the nature of the investigation. The firefighter shall be informed beforehand of the names of all complainants.

(3) All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter is on duty, unless the importance of the interrogation or investigation is of such a nature that immediate action is required.

(4) The firefighter under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.

(5) Interrogation sessions shall be of reasonable duration and the firefighter shall be permitted reasonable periods for rest and personal necessities.

(6) The firefighter being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.

(7) A complete record of any interrogation shall be made, and if a transcript of such interrogation is made, the firefighter under investigation shall be

entitled to a copy without charge. Such record may be electronically recorded.

(8) An employee or officer of an employing agency may represent the agency, and an employee organization may represent any member of a bargaining unit desiring such representation in any proceeding to which this part applies. If a collective bargaining agreement provides for the presence of a representative of the collective bargaining unit during investigations or interrogations, such representative shall be allowed to be present.

(9) No firefighter shall be discharged, disciplined, demoted, denied promotion or seniority, transferred, reassigned, or otherwise disciplined or discriminated against in regard to his or her employment, or be threatened with any such treatment as retaliation for or by reason solely of his or her exercise of any of the rights granted or protected by this part.

History.—s. 1, ch. 86-6.

112.83 Rights of firefighters with respect to civil suits.—If an agency employing firefighters fails to comply with the requirements of this part, a firefighter employed by such agency who is personally injured by such failure to comply may apply directly to the circuit court of the county wherein such employing agency is headquartered and permanently resides for an

injunction to restrain and enjoin such violation of the provisions of this part and to complete the performance of the duties imposed by this part.

History.—s. 1, ch. 86-6.

112.84 Rights of firefighters nonexclusive.—

(1) The rights of firefighters as set forth in this part shall not be construed to diminish the rights and privileges of firefighters that are guaranteed to all citizens by the Constitution and laws of the United States and of this state or limit the granting of broader rights by other law, ordinance, or rule. These rights include the right to bring suit against any individual, group of persons, association, organization, or corporation for damages, either monetary or otherwise, suffered during the performance of the firefighter's official duties or for abridgment of the firefighter's rights, civil or otherwise, arising out of the performance of his or her official duties.

(2) This part is neither designed to abridge nor expand the rights of firefighters to bring civil suits for injuries suffered in the course of their employment as recognized by the courts, nor is it designed to abrogate any common-law or statutory limitation on the rights of recovery.

History.—s. 1, ch. 86-6.

Chapter

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CHAPTER 175

FIREFIGHTER PENSIONS

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175.221	Lump-sum payment of small retirement income.		
		175.021	Legislative declaration.—
			(1) It is hereby declared by the Legislature that firefighters perform state and municipal functions; that it is their duty to extinguish fires, to protect life, and to protect property at their own risk and peril; that it is their duty to prevent conflagration and to continuously instruct school personnel, public officials, and private citizens in the prevention of fires and firesafety; that they protect both life and property from local emergencies as defined in s. 252.34; and that their activities are vital to the public safety. It is further declared that firefighters employed by special fire control districts serve under the same circumstances and perform the same duties as firefighters employed by municipalities and should therefore be entitled to the benefits available under this chapter. Therefore, the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of firefighters and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal and special district firefighters' pension trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such

manner as to maximize the protection of the firefighters' pension trust funds. Pursuant to s. 18, Art. VII of the State Constitution, the Legislature hereby determines and declares that this act fulfills an important state interest.

(2) This chapter hereby establishes, for all municipal and special district pension plans existing under this chapter, including chapter plans and local law plans, minimum benefits and minimum standards for the operation and funding of such plans, hereinafter referred to as firefighters' pension trust funds, which must be met as conditions precedent to the plan or plan sponsor's receiving a distribution of insurance premium tax revenues under s. 175.121. Minimum benefits and minimum standards for each plan may not be diminished by local charter, ordinance, or resolution or by special act of the Legislature and may not be reduced or offset by any other local, state, or federal law that includes firefighters in its operation, except as provided under s. 112.65.

History.—s. 1, ch. 63-249; s. 1, ch. 79-380; s. 7, ch. 83-334; s. 1, ch. 86-41; s. 12, ch. 93-193; s. 1, ch. 99-1; s. 65, ch. 99-2; s. 58, ch. 2011-142; s. 1, ch. 2015-39.

175.025 Short title.—This chapter may be cited as the "Marvin B. Clayton Firefighters Pension Trust Fund Act."

History.—s. 1, ch. 2004-21.

175.032 Definitions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the term:

(1) "Additional premium tax revenues" means revenues received by a municipality or special fire control district pursuant to s. 175.121 which exceed base premium tax revenues.

(2) "Average final compensation" for:

(a) A full-time firefighter means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service before retirement, termination, or death, or the career average as a full-time firefighter since July 1, 1953, whichever is greater. A year is 12 consecutive months or such other consecutive period of time as is used and consistently applied.

(b) A volunteer firefighter means the average salary of the 5 best years of the last 10 best contributing years before change in status to a permanent full-time firefighter or retirement as a volunteer firefighter or the career average of a volunteer firefighter, since July 1, 1953, whichever is greater.

(3) "Base premium tax revenues" means:

(a) For a local law plan in effect on October 1, 2003, the revenues received by a municipality or special fire control district pursuant to s. 175.121 for the 2002 calendar year.

(b) For a local law plan created between October 1, 2003, and March 1, 2015, inclusive, the revenues received by a municipality or special fire control district pursuant to s. 175.121 based upon the tax collections during the second calendar year of participation.

(4) "Chapter plan" means a separate defined benefit pension plan for firefighters which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality or special district. Except as specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 175.021-175.341 and ss. 175.361-175.401. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 175.261(1).

(5) "Compensation" or "salary" means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the fixed monthly remuneration paid a firefighter. If remuneration is based on actual services rendered, as in the case of a volunteer firefighter, the term means the total cash remuneration received yearly for such services, prorated on a monthly basis. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

(a) Any retirement trust fund or plan that meets the requirements of this chapter does not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each firefighter covered by the retirement trust fund or plan.

(b) The member's compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that plan year may not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, as amended by the Omnibus Budget Reconciliation Act of 1993, which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any

person who first became a member before the first plan year beginning on or after January 1, 1996, the limitation on compensation may not be less than the maximum compensation amount that was allowed to be taken into account under the plan in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

(6) "Creditable service" or "credited service" means the aggregate number of years of service and fractional parts of years of service of any firefighter, omitting intervening years and fractional parts of years when such firefighter may not have been employed by the municipality or special fire control district, subject to the following conditions:

(a) A firefighter may not receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the firefighter repays into the fund the amount he or she has withdrawn, plus interest determined by the board. The member has at least 90 days after his or her reemployment to make repayment.

(b) A firefighter may voluntarily leave his or her contributions in the fund for 5 years after leaving the employ of the fire department, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a firefighter. If the firefighter is not reemployed as a firefighter with the same department within 5 years, his or her contributions shall be returned without interest.

(c) Credited service under this chapter shall be provided only for service as a firefighter or for military service and does not include credit for any other type of service. A municipality, by local ordinance, or a special fire control district, by resolution, may provide for the purchase of credit for military service prior to employment as well as for prior service as a firefighter for some other employer as long as a firefighter is not entitled to receive a benefit for such prior service. For purposes of determining credit for prior service as a firefighter, in addition to service as a firefighter in this state, credit may be given for federal, other state, or county service if the prior service is recognized by the Division of State Fire Marshal as provided in chapter 633, or the firefighter provides proof to the board of trustees that his or her service is equivalent to the service required to meet the definition of a firefighter.

(d) In determining the creditable service of any firefighter, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service if:

1. The firefighter is in the active employ of an employer immediately before such service and leaves a position, other than a temporary position, for the

purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The firefighter is entitled to reemployment under the Uniformed Services Employment and Reemployment Rights Act.

3. The firefighter returns to his or her employment as a firefighter of the municipality or special fire control district within 1 year after the date of release from such active service.

(7) "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a firefighter may elect to participate. A firefighter may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a firefighter who enters the DROP and who is otherwise eligible to participate may not be precluded from participation or continued participation in a supplemental plan in existence on, or created after, March 12, 1999.

(8) "Defined contribution plan" means the component of a local law plan, as provided in s. 175.351(1), to which deposits, if any, are made to provide benefits for firefighters, or for firefighters and police officers if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit plan component that meets minimum benefits and minimum standards. The retirement benefits, if any, of the defined contribution plan component shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

(9) "Division" means the Division of Retirement of the Department of Management Services.

(10) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(11)(a) "Firefighter" means a person employed solely by a constituted fire department of any municipality or special fire control district who is certified as a firefighter as a condition of employment in accordance with s. 633.408 and whose duty it is to extinguish fires, to protect life, or to protect property. The term includes all certified, supervisory, and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time firefighters, part-time firefighters, or auxiliary firefighters but does not include part-time firefighters or auxiliary firefighters. However, for purposes of this chapter only, the term also includes public safety officers who are responsible

for performing both police and fire services, who are certified as police officers or firefighters, and who are certified by their employers to the Chief Financial Officer as participating in this chapter before October 1, 1979. Effective October 1, 1979, public safety officers who have not been certified as participating in this chapter are considered police officers for retirement purposes and are eligible to participate in chapter 185. Any plan may provide that the fire chief has an option to participate in that plan.

(b) "Volunteer firefighter" means any person whose name is carried on the active membership roll of a constituted volunteer fire department or a combination of a paid and volunteer fire department of any municipality or special fire control district and whose duty it is to extinguish fires, to protect life, and to protect property. Compensation for services rendered by a volunteer firefighter does not disqualify him or her as a volunteer. A person may not be disqualified as a volunteer firefighter solely because he or she has other gainful employment. Any person who volunteers assistance at a fire but is not an active member of a department described herein is not a volunteer firefighter within the meaning of this paragraph.

(12) "Firefighters' Pension Trust Fund" means a trust fund, by whatever name known, as provided under s. 175.041, for the purpose of assisting municipalities and special fire control districts in establishing and maintaining a retirement plan for firefighters.

(13) "Local law municipality" means any municipality in which a local law plan exists.

(14) "Local law plan" means a retirement plan that includes both a defined benefit plan component and a defined contribution plan component for firefighters, or for firefighters and police officers if both are included, as described in s. 175.351, established by municipal ordinance, special district resolution, or special act of the Legislature, which enactment sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter if minimum benefits and minimum standards are met. However, any such variance must provide a greater benefit for firefighters. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 175.261(2).

(15) "Local law special fire control district" means any special fire control district in which a local law plan exists.

(16) "Minimum benefits" means the benefits specified in ss. 175.021-175.341 and ss. 175.361-175.401.

(17) "Minimum standards" means the standards specified in ss. 175.021-175.401.

(18) "Property insurance" means property insurance as defined in s. 624.604 and covers real and

personal property within the corporate limits of a municipality, or within the boundaries of a special fire control district, within the state. The term "multiple peril" means a combination or package policy that includes both property and casualty coverage for a single premium.

(19) "Retiree" or "retired firefighter" means a firefighter who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a firefighter who enters the DROP is considered a retiree for all purposes of the plan. However, a firefighter who enters the DROP and who is otherwise eligible to participate may not be precluded from participation or continued participation in a supplemental plan in existence on, or created after, March 12, 1999.

(20) "Retirement" means a firefighter's separation from municipal or fire district employment as a firefighter with immediate eligibility for benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a firefighter enters the DROP.

(21) "Special act plan" means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(22) "Special benefits" means benefits provided in a defined contribution plan for firefighters.

(23) "Special fire control district" means a special district, as defined in s. 189.012, established for the purposes of extinguishing fires, protecting life, and protecting property within the incorporated or unincorporated portions of a county or combination of counties, or within any combination of incorporated and unincorporated portions of a county or combination of counties. The term does not include any dependent or independent special district, as those terms are defined in s. 189.012, the employees of which are members of the Florida Retirement System pursuant to s. 121.051(1) or (2).

(24) "Supplemental plan" means a plan to which deposits are made to provide special benefits for firefighters, or for firefighters and police officers if both are included. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan component that meets minimum benefits and minimum standards. Any supplemental plan in existence on March 1, 2015, shall be deemed to be a defined contribution plan in compliance with s. 175.351(6).

(25) "Supplemental plan municipality" means a local law municipality in which any supplemental plan existed as of December 1, 2000.

History.—s. 1, ch. 63-249; s. 2, ch. 79-380; s. 1, ch. 79-388; s. 1, ch. 81-168; s. 2, ch. 86-41; s. 13, ch. 93-193; s. 918, ch. 95-147; s. 13, ch. 95-154; s. 2, ch. 99-1; s. 1, ch. 2000-159; s. 1, ch. 2002-66; s. 160, ch. 2003-261; s. 3, ch. 2009-97; s. 4, ch. 2011-216; s. 126, ch. 2013-183; s. 68, ch. 2014-22; s. 2, ch. 2015-39.

175.041 Firefighters' Pension Trust Fund created; applicability of provisions.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) There shall be established a special fund exclusively for the purpose of this chapter, which in the case of chapter plans shall be known as the "Firefighters' Pension Trust Fund," in each municipality and each special fire control district of this state heretofore or hereafter created which now has or which may hereafter have a constituted fire department or an authorized volunteer fire department, or any combination thereof.

(2) To qualify as a fire department or volunteer fire department or combination thereof under the provisions of this chapter, the department shall own and use apparatus for the fighting of fires that was in compliance with National Fire Protection Association Standards for Automotive Fire Apparatus at the time of purchase.

(3) The provisions of this chapter shall apply only to municipalities organized and established pursuant to the laws of the state and to special fire control districts, and said provisions shall not apply to the unincorporated areas of any county or counties except with respect to special fire control districts that include unincorporated areas, nor shall the provisions hereof apply to any governmental entity whose firefighters are eligible to participate in the Florida Retirement System.

(a) Special fire control districts that include, or consist exclusively of, unincorporated areas of one or more counties may levy and impose the tax and participate in the retirement programs enabled by this chapter.

(b) With respect to the distribution of premium taxes, a single consolidated government consisting of a former county and one or more municipalities, consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution, is also eligible to participate under this chapter. The consolidated government shall notify the division when it has entered into an interlocal agreement to provide fire services to a municipality within its boundaries. The municipality may enact an ordinance levying the tax as provided in s. 175.101. Upon being provided copies of the interlocal agreement and the municipal ordinance levying the tax, the division may distribute any premium taxes reported for the municipality to the consolidated government as long as the interlocal agreement is in effect.

(c) Any municipality that has entered into an interlocal agreement to provide fire protection services to any other incorporated municipality, in its entirety, for a period of 12 months or more may be eligible to receive the premium taxes reported for such other municipality. In order to be eligible for such premium

taxes, the municipality providing the fire services must notify the division that it has entered into an interlocal agreement with another municipality. The municipality receiving the fire services may enact an ordinance levying the tax as provided in s. 175.101. Upon being provided copies of the interlocal agreement and the municipal ordinance levying the tax, the division may distribute any premium taxes reported for the municipality receiving the fire services to the participating municipality providing the fire services as long as the interlocal agreement is in effect.

(4) No municipality shall establish more than one retirement plan for public safety officers which is supported in whole or in part by the distribution of premium tax funds as provided by this chapter or chapter 185, nor shall any municipality establish a retirement plan for public safety officers which receives premium tax funds from both this chapter and chapter 185.

History.—s. 1, ch. 63-249; s. 1, ch. 65-153; ss. 2, 3, ch. 79-380; s. 1, ch. 79-388; s. 14, ch. 93-193; s. 3, ch. 99-1; s. 1, ch. 2002-29; s. 2, ch. 2005-205.

175.051 Actuarial deficits not state obligation.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, actuarial deficits, if any, arising under this chapter shall not be the obligation of the state.

History.—s. 1, ch. 63-249; s. 4, ch. 99-1.

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) In each municipality and in each special fire control district there is hereby created a board of trustees of the firefighters' pension trust fund, which shall be solely responsible for administering the trust fund. Effective October 1, 1986, and thereafter:

(a) The membership of the board of trustees for a chapter plan consists of five members, two of whom, unless otherwise prohibited by law, must be legal residents of the municipality or special fire control district and must be appointed by the governing body of the municipality or special fire control district, and two of whom must be full-time firefighters as defined in s. 175.032 who are elected by a majority of the active firefighters who are members of such plan. With respect to any chapter plan or local law plan that, on January 1, 1997, allowed retired firefighters to vote in such elections, retirees may continue to vote in such elections. The fifth member shall be chosen by a majority of the previous four members as provided herein, and such person's name shall be submitted to the governing body of the municipality or special fire control district. Upon receipt of the fifth person's name,

the governing body of the municipality or special fire control district shall, as a ministerial duty, appoint such person to the board of trustees. The fifth member shall have the same rights as each of the other four members, shall serve as trustee for a period of 2 years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of 2 years, unless sooner replaced by the governing body at whose pleasure he or she serves, and may succeed himself or herself as a trustee. Each firefighter member shall serve as trustee for a period of 2 years, unless he or she sooner leaves the employment of the municipality or special fire control district as a firefighter, whereupon a successor shall be chosen in the same manner as an original appointment. Each firefighter may succeed himself or herself in office. The terms of office of the appointed and elected members may be amended by municipal ordinance, special act of the Legislature, or resolution adopted by the governing body of the special fire control district to extend the terms from 2 years to 4 years. The length of the terms of office shall be the same for all board members.

(b) The membership of boards of trustees for local law plans shall be as follows:

1. If a municipality or special fire control district has a pension plan for firefighters only, the provisions of paragraph (a) apply.

2. If a municipality has a pension plan for firefighters and police officers, the provisions of paragraph (a) apply, except that one member of the board must be a firefighter and one member of the board must be a police officer as defined in s. 185.02, respectively elected by a majority of the active firefighters or police officers who are members of the plan.

3. A board of trustees operating a local law plan on July 1, 1999, which is combined with a plan for general employees shall hold an election of the firefighters, or firefighters and police officers, if included, to determine whether a plan is to be established for firefighters only, or for firefighters and police officers where included. Based on the election results, a new board shall be established as provided in subparagraph 1. or subparagraph 2., as appropriate. The municipality or fire control district shall enact an ordinance or resolution to implement the new board by October 1, 1999. The newly established board shall take whatever action is necessary to determine the amount of assets attributable to firefighters, or firefighters and police officers where included. Such assets include all employer, employee, and state contributions made by or on behalf of firefighters, or firefighters and police officers where included, and any investment income derived from such contributions. All such moneys shall be transferred into the newly established retirement plan, as directed by the board.

With respect to a board of trustees operating a local law plan on June 30, 1986, this paragraph does not permit the reduction of the membership percentage of firefighters, or of firefighters and police officers where a joint or mixed fund exists. However, for the sole purpose of changing municipal representation, a municipality may by ordinance change the municipal representation on the board of trustees operating a local law plan by ordinance, only if such change does not reduce the membership percentage of firefighters, or firefighters and police officers, or the membership percentage of the municipal representation.

(c) Whenever the active firefighter membership of a closed chapter plan or closed local law plan as provided in s. 175.371 falls below 10, an active firefighter member seat may be held by either a retired member or an active firefighter member of the plan who is elected by the active and retired members of the plan. If there are no active or retired firefighters remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in the active firefighter seat. Upon receipt of such person's name, the legislative body of the municipality or special fire control district shall, as a ministerial duty, appoint such person to the board of trustees. This paragraph applies only to those plans that are closed to new members under s. 175.371(2), and does not apply to any other municipality or fire control district having a chapter or local law plan.

(2) The trustees shall by a majority vote elect from their number a chair and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by Florida law.

(3) The board of trustees shall meet at least quarterly each year.

(4) Each board of trustees shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(5) In any judicial proceeding or administrative proceeding under chapter 120 brought under or pursuant to the provisions of this chapter, the prevailing party shall be entitled to recover the costs thereof, together with reasonable attorney's fees.

(6) The provisions of this section may not be altered by a participating municipality or special fire control district operating a chapter plan or local law plan under this chapter.

(7) The board of trustees may, upon written request of the retiree of the plan, or by a dependent, if authorized by the retiree or the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment funds that are necessary to pay for the benefits being received through the

governmental entity from which the employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments for child support or alimony. Upon the written request of the retiree of the plan, the board may also authorize the plan administrator to withhold from the retirement payment those funds necessary to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents. A retirement plan does not incur liability for participation in this permissive program if its actions are taken in good faith.

(8)(a) The board of trustees shall:

1. Provide a detailed accounting report of its expenses for each fiscal year to the plan sponsor and the Department of Management Services and make the report available to each member of the plan and post the report on the board's website, if the board has a website. The report must include all administrative expenses that, for purposes of this subsection, are expenses relating to any legal counsel, actuary, plan administrator, and all other consultants, and all travel and other expenses paid to or on behalf of the members of the board of trustees or anyone else on behalf of the plan.

2. Operate under an administrative expense budget for each fiscal year, provide a copy of the budget to the plan sponsor, and make available a copy of the budget to plan members before the beginning of the fiscal year. If the board of trustees amends the administrative expense budget, the board must provide a copy of the amended budget to the plan sponsor and make available a copy of the amended budget to plan members.

(b) Notwithstanding s. 175.351(2) and (3), a local law plan created by special act before May 27, 1939, must comply with the provisions of this subsection.

History.—s. 1, ch. 63-249; s. 2, ch. 81-168; s. 3, ch. 86-41; s. 15, ch. 93-193; s. 919, ch. 95-147; s. 5, ch. 99-1; s. 3, ch. 2002-66; s. 7, ch. 2004-21; s. 4, ch. 2009-97; s. 5, ch. 2011-216; s. 3, ch. 2015-39.

175.071 General powers and duties of board of trustees.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) The board of trustees, subject to the fiduciary standards in ss. 112.656, 112.661, and 518.11 and the Code of Ethics in ss. 112.311-112.3187, may:

- (a) Invest and reinvest the assets of the firefighters' pension trust fund in annuity and life insurance contracts of life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the participants in the firefighters' pension trust fund are entitled under this chapter and pay the initial and subsequent premiums thereon.

- (b) Invest and reinvest the assets of the firefighters' pension trust fund in:

1. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, or a savings, building, and loan association insured by the Savings Association Insurance Fund administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

2. Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States.

3. Bonds issued by the State of Israel.

4. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, if:

- a. The corporation is listed on any one or more of the recognized national stock exchanges or on the National Market System of the NASDAQ Stock Market and, in the case of bonds only, holds a rating in one of the three highest classifications by a major rating service; and

- b. The board of trustees may not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor may the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of that company or the aggregate of its investments under this subparagraph at cost exceed 50 percent of the assets of the fund.

This paragraph applies to all boards of trustees and participants. However, if a municipality or special fire control district has a duly enacted pension plan pursuant to, and in compliance with, s. 175.351, and the trustees desire to vary the investment procedures, the trustees of such plan must request a variance of the investment procedures as outlined herein only through a municipal ordinance, special act of the Legislature, or resolution by the governing body of the special fire control district; if a special act, or a municipality by ordinance adopted before July 1, 1998, permits a greater than 50-percent equity investment, such municipality is not required to comply with the aggregate equity investment provisions of this paragraph. Notwithstanding any other provision of law, this section may not be construed to take away any preexisting legal authority to make equity investments that exceed the requirements of this paragraph. Notwithstanding any other provision of law, the board of trustees may invest up to 25 percent of plan assets in foreign securities on a market-value basis. The investment cap on foreign securities may not be revised, amended, increased, or repealed except as provided by general law.

(c) Issue drafts upon the firefighters' pension trust fund pursuant to this act and rules prescribed by the board of trustees. All such drafts must be consecutively numbered, be signed by the chair and secretary, or by two individuals designated by the board who are subject to the same fiduciary standards as the board of trustees under this subsection, and state upon their faces the purpose for which the drafts are drawn. The treasurer or depository of each municipality or special fire control district shall retain such drafts when paid, as permanent vouchers for disbursements made, and no money may be otherwise drawn from the fund.

(d) Convert into cash any securities of the fund.

(e) Keep a complete record of all receipts and disbursements and the board's acts and proceedings.

(2) Any and all acts and decisions shall be effectuated by vote of a majority of the members of the board; however, no trustee shall take part in any action in connection with the trustee's own participation in the fund, and no unfair discrimination shall be shown to any individual firefighter participating in the fund.

(3) The board's action on all claims for retirement under this act shall be final, provided, however, that the rules and regulations of the board have been complied with.

(4) The secretary of the board of trustees shall keep a record of all persons receiving retirement payments under the provisions of this chapter, in which shall be noted the time when the pension is allowed and when the pension shall cease to be paid. In this record, the secretary shall keep a list of all firefighters employed by the municipality or special fire control district. The record shall show the name, address, and time of employment of such firefighters and when they cease to be employed by the municipality or special fire control district.

(5) The sole and exclusive administration of, and the responsibilities for, the proper operation of the firefighters' pension trust fund and for making effective the provisions of this chapter are vested in the board of trustees; however, nothing herein shall empower a board of trustees to amend the provisions of a retirement plan without the approval of the municipality or special fire control district. The board of trustees shall keep in convenient form such data as shall be necessary for an actuarial valuation of the firefighters' pension trust fund and for checking the actual experience of the fund.

(6)(a) At least once every 3 years, the board of trustees shall retain a professionally qualified independent consultant who shall evaluate the performance of any existing professional money manager and shall make recommendations to the board of trustees regarding the selection of money managers for the next investment term. These recommendations shall be considered by the board of trustees at its next regularly scheduled meeting. The

date, time, place, and subject of this meeting shall be advertised in the same manner as for any meeting of the board.

(b) For purposes of this subsection, the term "professionally qualified independent consultant" means a consultant who, based on education and experience, is professionally qualified to evaluate the performance of professional money managers, and who, at a minimum:

1. Provides his or her services on a flat-fee basis.
2. Is not associated in any manner with the money manager for the pension fund.

3. Makes calculations according to the American Banking Institute method of calculating time-weighted rates of return. All calculations must be made net of fees.

4. Has 3 or more years of experience working in the public sector.

(7) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

- (a) Employ independent legal counsel at the pension fund's expense.

- (b) Employ an independent enrolled actuary, as defined in s. 175.032, at the pension fund's expense.

- (c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

If the board chooses to use the municipality's or special district's legal counsel or actuary, or chooses to use any of the municipality's or special district's other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

(8) Notwithstanding paragraph (1)(b) and as provided in s. 215.473, the board of trustees must identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in that section, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in that company beginning January 1, 2010. The divestiture of any such security must be completed by September 30, 2010. The board and its named officers or investment advisors may not be deemed to have breached their fiduciary duty in any action taken to dispose of any such security, and the board shall have satisfactorily discharged the fiduciary duties of loyalty, prudence, and sole and exclusive benefit to the participants of the pension fund and their beneficiaries if the actions it takes are consistent with the duties imposed by s. 215.473, and the manner of the disposition, if any, is reasonable as to the means chosen. For the purposes of effecting compliance with that section, the pension fund shall designate terror-free plans that allocate their funds among securities not subject to divestiture. No person may bring any civil, criminal, or administrative action against the

board of trustees or any employee, officer, director, or advisor of such pension fund based upon the divestiture of any security pursuant to this subsection.

History.—s. 1, ch. 63-249; s. 1, ch. 65-365; ss. 22, 35, ch. 69-106; s. 3, ch. 81-168; s. 4, ch. 86-41; s. 16, ch. 93-193; s. 920, ch. 95-147; s. 1, ch. 98-134; s. 66, ch. 99-2; s. 17, ch. 99-392; s. 27, ch. 2000-151; s. 5, ch. 2009-97; s. 18, ch. 2010-5; s. 4, ch. 2015-39.

175.081 Use of annuity or insurance policies.—When the board of trustees of any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan purchases annuity or life insurance contracts to provide all or any part of the benefits as provided for by this chapter, the following principles shall be observed:

- (1) Only those firefighters who have been members of the firefighters' pension trust fund for 1 year or more may participate in the insured plan.
- (2) Individual policies shall be purchased only when a group insurance plan is not feasible.
- (3) Each application and policy shall designate the firefighters' pension trust fund as owner of the policy.
- (4) Policies shall be written on an annual premium basis.
- (5) The type of policy shall be one which for the premium paid provides each individual with the maximum retirement benefit at his or her earliest statutory normal retirement age.
- (6) Death benefit, if any, should not exceed:
 - (a) One hundred times the estimated normal retirement income, based on the assumption that the present rate of compensation continues without change to normal retirement date, or
 - (b) Twice the annual rate of compensation as of the date of termination of service, or
 - (c) The single-sum value of the accrued deferred retirement income (beginning at normal retirement date) at date of termination of service, whichever is greatest.
- (7) An insurance plan may provide that the assignment of insurance contract to separating firefighters shall be at least equivalent to the return of the firefighters' contributions used to purchase the contract. An assignment of contract discharges the municipality or special fire control district, as appropriate, from all further obligation to the participant under the plan even though the cash value of such contract may be less than the firefighters' contributions.
- (8) Provisions shall be made, either by issuance of separate policies or otherwise, that the separating firefighter does not receive cash value and other benefits under the policies assigned to him or her which exceed the present value of his or her vested interest under the firefighters' pension trust fund, inclusive of his or her contribution to the plan; the contributions by the state shall not be exhausted faster

merely because the method of funding adopted was through insurance companies.

(9) The firefighter shall have the right at any time to give the board of trustees written instructions designating the primary and contingent beneficiaries to receive death benefits or proceeds and the method of settlement of the death benefit or proceeds, or requesting a change in the beneficiary designation or method of settlement previously made, subject to the terms of the policy or policies on his or her life. Upon receipt of such written instructions, the board of trustees shall take necessary steps to effectuate the designation or change of beneficiary or settlement option.

History.—s. 1, ch. 63-249; s. 4, ch. 81-168; s. 17, ch. 93-193; s. 921, ch. 95-147; s. 6, ch. 99-1.

175.091 Creation and maintenance of fund.—

For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

- (1) The firefighters' pension trust fund in each municipality and in each special fire control district shall be created and maintained in the following manner:
 - (a) By payment to the fund of the net proceeds of the 1.85-percent excise or other similar tax which may be imposed by the municipality or special fire control district upon fire insurance companies, fire insurance associations, or other property insurers on their gross receipts on premiums from holders of policies, which policies cover real or personal property within the corporate limits of such municipality, in the case of a municipal government, and within the legally defined jurisdiction of the district, in the case of a special fire control district. Whenever a municipality maintains a firefighters' pension trust fund under the provisions of this chapter but is partially contained within the boundaries of a special fire control district, that portion of the 1.85-percent excise, license, or other similar tax which is collected for insurance policies covering property within the jurisdiction of both the municipality and the special fire control district shall be given to the firefighters' pension trust fund of the fire service provider. Remaining revenues collected pursuant to this chapter shall be distributed to the municipality or special fire control district according to the location of the insured property.
 - (b) Except as reduced or increased contributions are authorized by subsection (2), by the payment to the fund of 5 percent of the salary of each uniformed firefighter who is a member or duly enrolled in the fire department of any municipality or special fire control district, which 5 percent shall be deducted by the municipality or special fire control district from the compensation due to the firefighter and paid over to the board of trustees of the firefighters' pension trust

fund wherein such firefighter is employed. No firefighter shall have any right to the money so paid into the fund except as provided in this chapter.

(c) By all fines and forfeitures imposed and collected from any firefighter because of the violation of any rule and regulation promulgated by the board of trustees.

(d) By mandatory payment by the municipality or special fire control district of a sum equal to the normal cost of and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund benefits in a defined benefit plan component.

(e) By all gifts, bequests, and devises when donated to the fund.

(f) By all accretions to the fund by way of interest or dividends on bank deposits, or otherwise.

(g) By all other sources or income now or hereafter authorized by law for the augmentation of such firefighters' pension trust fund.

(2) Member contribution rates may be adjusted as follows:

(a) The employing municipality or special fire control district, by local ordinance or resolution, may elect to make an employee's contributions. However, under no circumstances may a municipality or special fire control district reduce the member contribution to less than one-half of 1 percent of salary.

(b) Firefighter member contributions may be increased by consent of the members' collective bargaining representative or, if none, by majority consent of firefighter members of the fund.

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

History.—s. 1, ch. 63-249; s. 1, ch. 65-58; s. 1, ch. 67-218; s. 5, ch. 81-168; s. 5, ch. 86-41; s. 18, ch. 93-193; s. 7, ch. 97-96; s. 7, ch. 99-1; s. 6, ch. 2011-216; s. 5, ch. 2015-39.

175.101 State excise tax on property insurance premiums authorized; procedure.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) Each municipality or special fire control district in this state described and classified in s. 175.041, having a lawfully established firefighters' pension trust fund or municipal fund or special fire control district fund, by whatever name known, providing pension benefits to firefighters as provided under this chapter, may assess and impose on every insurance company, corporation, or other insurer now engaged in or

carrying on, or who shall hereinafter engage in or carry on, the business of property insurance as shown by the records of the Office of Insurance Regulation of the Financial Services Commission, an excise tax in addition to any lawful license or excise tax now levied by each of the municipalities or special fire control districts, respectively, amounting to 1.85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on property insurance policies covering property within the corporate limits of such municipalities or within the legally defined boundaries of special fire control districts, respectively. Whenever the boundaries of a special fire control district that has lawfully established a firefighters' pension trust fund encompass a portion of the corporate territory of a municipality that has also lawfully established a firefighters' pension trust fund, that portion of the tax receipts attributable to insurance policies covering property situated both within the municipality and the special fire control district shall be given to the fire service provider. For the purpose of this section, the boundaries of a special fire control district include an area that has been annexed until the completion of the 4-year period provided for in s. 171.093(4), or other agreed-upon extension, or if a special fire control district is providing services under an interlocal agreement executed in accordance with s. 171.093(3). The agent shall identify the fire service provider on the property owner's application for insurance. Remaining revenues collected pursuant to this chapter shall be distributed to the municipality or special fire control district according to the location of the insured property.

(2) In the case of multiple peril policies with a single premium for both the property and casualty coverages in such policies, 70 percent of such premium shall be used as the basis for the 1.85-percent tax.

(3) This excise tax shall be payable annually on March 1 of each year after the passage of an ordinance, in the case of a municipality, or resolution, in the case of a special fire control district, assessing and imposing the tax authorized by this section. Installments of taxes shall be paid according to the provision of s. 624.5092(2)(a), (b), and (c).

This section also applies to any municipality consisting of a single consolidated government which is made up of a former county and one or more municipalities, consolidated pursuant to the authority in s. 3 or s. 6(e), Art. VIII of the State Constitution, and to property insurance policies covering property within the boundaries of the consolidated government, regardless of whether the properties are located within one or more separately incorporated areas within the consolidated government, provided the properties are being provided fire protection services by the consolidated government. This section also applies to

any municipality, as provided in s. 175.041(3)(c), which has entered into an interlocal agreement to receive fire protection services from another municipality participating under this chapter. The excise tax may be levied on all premiums collected on property insurance policies covering property located within the corporate limits of the municipality receiving the fire protection services, but will be available for distribution to the municipality providing the fire protection services.

History.—s. 1, ch. 63-249; s. 2, ch. 67-218; ss. 13, 35, ch. 69-106; s. 6, ch. 81-168; s. 6, ch. 86-41; s. 23, ch. 87-99; s. 14, ch. 88-206; s. 10, ch. 89-167; s. 19, ch. 93-193; s. 8, ch. 99-1; s. 2, ch. 2002-29; s. 161, ch. 2003-261; s. 3, ch. 2005-205; s. 6, ch. 2009-97.

175.1015 Determination of local premium tax situs.—

(1)(a) Any insurance company that is obligated to report and remit the excise tax on property insurance premiums imposed under s. 175.101 shall be held harmless from any liability, including, but not limited to, liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction if the insurance company exercises due diligence in applying an electronic database provided by the Department of Revenue under subsection (2). Insurance companies that do not use the electronic database provided by the Department of Revenue or that do not exercise due diligence in applying the electronic database for tax years on or after January 1, 2006, are subject to a 0.5 percent penalty on the portion of the premium pertaining to any insured risk that is improperly assigned, whether assigned to an improper local taxing jurisdiction, not assigned to a local taxing jurisdiction when it should be assigned to a local taxing jurisdiction, or assigned to a local taxing jurisdiction when it should not be assigned to a local taxing jurisdiction.

(b) Any insurance company that is obligated to report and remit the excise tax on commercial property insurance premiums imposed under s. 175.101 and is unable, after due diligence, to assign an insured property to a specific local taxing jurisdiction for purposes of complying with paragraph (a) shall remit the excise tax on commercial property insurance premiums using a methodology of apportionment in a manner consistent with the remittance for the 2004 calendar year. An insurance company which makes two contacts with the agent responsible for a commercial property insurance application for the purpose of verifying information on the application necessary for the assignment to the appropriate taxing jurisdiction shall be considered to have exercised due diligence. Any insurance company which complies with the provisions of this paragraph shall not be subject to the penalty provided in paragraph (a).

(2)(a) The Department of Revenue shall, subject to legislative appropriation, create as soon as practical

and feasible, and thereafter shall maintain, an electronic database that conforms to any format approved by the American National Standards Institute's Accredited Standards Committee X12 and that designates for each street address and address range in the state, including any multiple postal street addresses applicable to one street location, the local taxing jurisdiction in which the street address and address range is located, and the appropriate code for each such participating local taxing jurisdiction, identified by one nationwide standard numeric code. The nationwide standard numeric code must contain the same number of numeric digits, and each digit or combination of digits must refer to the same level of taxing jurisdiction throughout the United States and must be in a format similar to FIPS 55-3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission. Each address or address range must be provided in standard postal format, including the street number, street number range, street name, and zip code. Each year after the creation of the initial database, the Department of Revenue shall annually create and maintain a database for the current tax year. Each annual database must be calendar-year specific.

(b)1. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create the electronic database as soon as practical and feasible. The information furnished to the Department of Revenue must specify an effective date.

2. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create and update the current year's database, including changes in annexations, incorporations, and reorganizations and any other changes in jurisdictional boundaries, as well as changes in eligibility to participate in the excise tax imposed under this chapter. The information must specify an effective date and must be furnished to the Department of Revenue by July 1 of the current year.

3. The Department of Revenue shall create and update the current year's database in accordance with the information furnished by participating local taxing jurisdictions under subparagraph 1. or subparagraph 2., as appropriate. To the extent practicable, the Department of Revenue shall post each new annual database on a website by September 1 of each year. Each participating local taxing jurisdiction shall have access to this website and, within 30 days thereafter, shall provide any corrections to the Department of Revenue. The Department of Revenue shall finalize the current year's database and post it on a website by November 1 of the current year. If a dispute in jurisdictional boundaries cannot be resolved so that changes in boundaries may be included, as

appropriate, in the database by November 1, the changes may not be retroactively included in the current year's database and the boundaries will remain the same as in the previous year's database. The finalized database must be used in assigning policies and premiums to the proper local taxing jurisdiction for the insurance premium tax return due on the following March 1 for the tax year 2005. For subsequent tax years, the finalized database must be used in assigning policies and premiums to the proper local taxing jurisdiction for the insurance premium tax return due for the tax year beginning on or after the January 1 following the website posting of the database. Information contained in the electronic database is conclusive for purposes of this chapter. The electronic database is not an order, a rule, or a policy of general applicability.

4. Each annual database must identify the additions, deletions, and other changes to the preceding version of the database.

(3)(a) As used in this section, the term "due diligence" means the care and attention that is expected from and is ordinarily exercised by a reasonable and prudent person under the circumstances.

(b) Notwithstanding any law to the contrary, an insurance company is exercising due diligence if the insurance company complies with the provisions of paragraph (1)(b) or if the insurance company assigns an insured's premium to local taxing jurisdictions in accordance with the Department of Revenue's annual database and with respect to such database:

1. Expends reasonable resources to accurately and reliably implement such method;
 2. Maintains adequate internal controls to correctly include in its database of policyholders the location of the property insured, in the proper address format, so that matching with the department's database is accurate; and
 3. Corrects errors in the assignment of addresses to local taxing jurisdictions within 120 days after the insurance company discovers the errors.
- (4) There is annually appropriated from the moneys collected under this chapter and deposited in the Police and Firefighter's Premium Tax Trust Fund an amount sufficient to pay the expenses of the Department of Revenue in administering this section, but not to exceed \$50,000 annually, adjusted annually by the lesser of a 5-percent increase or the percentage of growth in the total collections.

(5) The Department of Revenue shall adopt rules necessary to administer this section, including rules establishing procedures and forms.

(6) Any insurer that is obligated to collect and remit the tax on property insurance imposed under s. 175.101 shall be held harmless from any liability, including, but not limited to, liability for taxes, interest,

or penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction, based on the collection and remission of the tax accruing before January 1, 2005, if the insurer collects and reports this tax consistent with filings for periods before January 1, 2005. Further, any insurer that is obligated to collect and remit the tax on property insurance imposed under this section is not subject to an examination under s. 624.316 or s. 624.3161 which would occur solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction, based on the collection and remission of such tax accruing before January 1, 2005.

History.—s. 2, ch. 2004-21.

175.111 Certified copy of ordinance or resolution filed; insurance companies' annual report of premiums; duplicate files; book of accounts.—

For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, whenever any municipality passes an ordinance or whenever any special fire control district passes a resolution establishing a chapter plan or local law plan assessing and imposing the taxes authorized in s. 175.101, a certified copy of such ordinance or resolution shall be deposited with the division.

Thereafter every insurance company, association, corporation, or other insurer carrying on the business of property insurance on real or personal property, on or before the succeeding March 1 after date of the passage of the ordinance or resolution, shall report fully in writing and under oath to the division and the Department of Revenue a just and true account of all premiums by such insurer received for property insurance policies covering or insuring any real or personal property located within the corporate limits of each such municipality or special fire control district during the period of time elapsing between the date of the passage of the ordinance or resolution and the end of the calendar year. The report shall include the code designation as prescribed by the division for each piece of insured property, real or personal, located within the corporate limits of each municipality and within the legally defined boundaries of each special fire control district. The aforesaid insurer shall annually thereafter, on March 1, file with the Department of Revenue a similar report covering the preceding year's premium receipts, and every such insurer at the same time of making such reports shall pay to the Department of Revenue the amount of the tax hereinbefore mentioned. Every insurer engaged in carrying on such insurance business in the state shall keep accurate books of accounts of all such business done by it within the corporate limits of each such municipality and within the legally defined boundaries

of each such special fire control district, and in such manner as to be able to comply with the provisions of this chapter. Based on the insurers' reports of premium receipts, the division shall prepare a consolidated premium report and shall furnish to any municipality or special fire control district requesting the same a copy of the relevant section of that report.

History.—s. 1, ch. 63-249; ss. 12, 13, 35, ch. 69-106; s. 1, ch. 75-240; s. 20, ch. 93-193; s. 1, ch. 95-250; s. 9, ch. 99-1; s. 6, ch. 2000-355.

175.121 Department of Revenue and Division of Retirement to keep accounts of deposits; disbursements.—For any municipality or special fire control district having a chapter or local law plan established pursuant to this chapter:

(1) The Department of Revenue shall keep a separate account of all moneys collected for each municipality and each special fire control district under the provisions of this chapter. All moneys so collected must be transferred to the Police and Firefighters' Premium Tax Trust Fund and shall be separately accounted for by the division. The moneys budgeted as necessary to pay the expenses of the division for the daily oversight and monitoring of the firefighters' pension plans under this chapter and for the oversight and actuarial reviews conducted under part VII of chapter 112 are annually appropriated from the interest and investment income earned on the moneys collected for each municipality or special fire control district and deposited in the Police and Firefighters' Premium Tax Trust Fund. Interest and investment income remaining thereafter in the trust fund which is unexpended and otherwise unallocated by law shall revert to the General Revenue Fund on June 30 of each year.

(2) The Chief Financial Officer shall, on or before July 1 of each year, and at such other times as authorized by the division, draw his or her warrants on the full net amount of money then on deposit in the Police and Firefighters' Premium Tax Trust Fund pursuant to this chapter, specifying the municipalities and special fire control districts to which the moneys must be paid and the net amount collected for and to be paid to each municipality or special fire control district, respectively, subject to the limitation on disbursement under s. 175.122. The sum payable to each municipality or special fire control district is appropriated annually out of the Police and Firefighters' Premium Tax Trust Fund. The warrants of the Chief Financial Officer shall be payable to the respective municipalities and special fire control districts entitled to receive them and shall be remitted annually by the division to the respective municipalities and special fire control districts. In lieu thereof, the municipality or special fire control district may provide authorization to the division for the direct payment of the premium tax to the board of trustees. In order for a

municipality or special fire control district and its pension fund to participate in the distribution of premium tax moneys under this chapter, all the provisions shall be complied with annually, including state acceptance pursuant to part VII of chapter 112.

(3)(a) All moneys not distributed to municipalities and special fire control districts under this section as a result of the limitation on disbursement contained in s. 175.122, or as a result of any municipality or special fire control district not having qualified in any given year, or portion thereof, shall be transferred to the Firefighters' Supplemental Compensation Trust Fund administered by the Department of Revenue, as provided in s. 633.422.

(b)1. Moneys transferred under paragraph (a) but not needed to support the supplemental compensation program in a given year shall be redistributed pro rata to those participating municipalities and special fire control districts that transfer any portion of their funds to support the supplemental compensation program in that year. Such additional moneys shall be used to cover or offset costs of the retirement plan.

2. To assist the Department of Revenue, the division shall identify those municipalities and special fire control districts that are eligible for redistribution as provided in s. 633.422(3)(c)2., by listing the municipalities and special fire control districts from which funds were transferred under paragraph (a) and specifying the amount transferred by each.

History.—s. 1, ch. 63-249; ss. 13, 35, ch. 69-106; s. 1, ch. 74-294; s. 3, ch. 85-61; s. 7, ch. 86-41; s. 21, ch. 93-193; s. 11, ch. 94-259; s. 1449, ch. 95-147; s. 2, ch. 95-250; s. 10, ch. 99-1; s. 162, ch. 2003-261; s. 127, ch. 2013-183.

175.1215 Police and Firefighters' Premium Tax Trust Fund.—The Police and Firefighters' Premium Tax Trust Fund is created, to be administered by the Division of Retirement of the Department of Management Services. Funds credited to the trust fund, as provided in chapter 95-250, Laws of Florida, or similar legislation, shall be expended for the purposes set forth in that legislation.

History.—s. 1, ch. 95-249.

Note.—Also published at s. 185.105.

175.122 Limitation of disbursement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any municipality or special fire control district participating in the firefighters' pension trust fund pursuant to the provisions of this chapter, whether under a chapter plan or local law plan, shall be limited to receiving any moneys from such fund in excess of that produced by one-half of the excise tax, as provided for in s. 175.101; however, any such municipality or special fire control district receiving less than 6 percent of its fire department payroll from such fund shall be entitled to

receive from such fund the amount determined under s. 175.121, in excess of one-half of the excise tax, not to exceed 6 percent of its fire department payroll. Payroll amounts of members included in the Florida Retirement System shall not be included.

History.—s. 1, ch. 67-217; s. 7, ch. 81-168; s. 22, ch. 93-193; s. 11, ch. 99-1.

175.131 Funds received by municipality or special fire control district; deposit in firefighters' pension trust fund.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, all state and other funds received by any municipality or special fire control district under the provisions of this chapter shall be deposited by such municipality or special fire control district immediately, and under no circumstances more than 5 days after receipt, with the board of trustees. In lieu thereof, the municipality or special fire control district may provide authorization to the division for the direct payment of the premium tax to the board of trustees. The board shall deposit such moneys in the Firefighters' Pension Trust Fund immediately, and under no circumstances more than 5 days after receipt. Employee contributions, however, which are withheld by the employer on behalf of an employee member shall be deposited immediately after each pay period with the board of trustees of the firefighters' pension trust fund. Employer contributions shall be deposited at least quarterly.

History.—s. 1, ch. 63-249; s. 8, ch. 81-168; s. 8, ch. 86-41; s. 23, ch. 93-193; s. 12, ch. 99-1.

175.141 Payment of excise tax credit on similar state excise or license tax.—The tax herein authorized to be imposed by each municipality and each special fire control district shall in nowise be in addition to any similar state excise or license tax imposed by part IV of chapter 624, but the payor of the tax hereby authorized shall receive credit therefor on his or her said state excise or license tax and the balance of said state excise or license tax shall be paid to the Department of Revenue as provided by law.

History.—s. 1, ch. 63-249; s. 9, ch. 86-41; s. 24, ch. 93-193; s. 922, ch. 95-147; s. 13, ch. 99-1.

175.151 Penalty for failure of insurers to comply with this act.—If any insurance company, corporation or other insurer fails to comply with the provisions of this act, on or before March 1 of each year as herein provided, the certificate of authority issued to said insurance company, corporation or other insurer to transact business in this state may be canceled and revoked by the Office of Insurance Regulation of the Financial Services Commission, and it is unlawful for any such insurance company, corporation, or other insurer to transact business

thereafter in this state unless such insurance company, corporation, or other insurer shall be granted a new certificate of authority to transact any business in this state, in compliance with provisions of law authorizing such certificate of authority to be issued. The division is responsible for notifying the Office of Insurance Regulation regarding any such failure to comply.

History.—s. 1, ch. 63-249; ss. 13, 35, ch. 69-106; s. 14, ch. 99-1; s. 163, ch. 2003-261.

175.162 Requirements for retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any firefighter who completes 10 or more years of creditable service as a firefighter and attains age 55, or completes 25 years of creditable service as a firefighter and attains age 52, and who for such minimum period has been a member of the firefighters' pension trust fund operating under a chapter plan or local law plan, is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the municipality or special fire control district on or after the normal retirement date. In such event, payment of retirement income will be governed by the following provisions of this section:

(1) The normal retirement date of each firefighter will be the first day of the month coincident with or next following the date on which he or she has completed 10 or more years of creditable service and attained age 55 or completed 25 years of creditable service and attained age 52.

(2)(a)1. The amount of monthly retirement income payable to a full-time firefighter who retires on or after his or her normal retirement date shall be an amount equal to the number of his or her years of credited service multiplied by 2.75 percent of his or her average final compensation as a full-time firefighter.

2. Effective July 1, 2015, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service or provides an effective benefit that is less than 2.75 percent as a result of a maximum benefit limitation:

a. Must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2015, and is not required to increase the benefit to 2.75 percent of the average final compensation of a full-time firefighter for all years of credited service; or

b. If the plan changes the percentage amount or maximum benefit limitation to 2.75 percent or more of the average final compensation of a full-time firefighter for all years of credited service, the plan may not thereafter decrease the percentage amount or maximum benefit limitation to less than 2.75 percent of

the average final compensation of a full-time firefighter for all years of credited service.

(b) The amount of monthly retirement income payable to a volunteer firefighter who retires on or after his or her normal retirement date shall be an amount equal to the number of his or her years of credited service multiplied by 2 percent of his or her average final compensation as a volunteer firefighter.

(3) The monthly retirement income payable in the event of normal retirement will be payable on the first day of each month. The first payment will be made on the firefighter's normal retirement date, or on the first day of the month coincident with or next following his or her actual retirement, if later, and the last payment will be the payment due next preceding the firefighter's death; except that, in the event the firefighter dies after retirement but before he or she has received retirement benefits for a period of 10 years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the firefighter for the balance of such 10-year period. If a firefighter continues in the service of the municipality or special fire control district beyond his or her normal retirement date and dies prior to his or her date of actual retirement, without an option made pursuant to s. 175.171 being in effect, monthly retirement income payments will be made for a period of 10 years to a beneficiary (or beneficiaries) designated by the firefighter as if the firefighter had retired on the date on which his or her death occurred.

(4) Early retirement under the plan is retirement from the service of the municipality or special fire control district, with the consent of the municipality or special fire control district, as of the first day of any calendar month which is prior to the firefighter's normal retirement date but subsequent to the date as of which he or she has both attained the age of 50 years and has been a member of this fund for 10 continuous years. In the event of early retirement, payment of retirement income shall be governed as follows: The monthly amount of retirement income payable to a firefighter who retires prior to his or her normal retirement date shall be in the amount computed as described in subsection (2), taking into account the firefighter's credited service to his or her date of actual retirement and final monthly compensation as of such date, such amount of retirement income to be actuarially reduced to take into account the firefighter's younger age and the earlier commencement of retirement income benefits. The amount of monthly income payable in the event of early retirement will be paid in the same manner as in subsection (3). In no event shall the early retirement reduction exceed 3 percent for each year by which the member's age at retirement preceded the member's normal retirement age, as provided in subsection (1).

History.—s. 1, ch. 63-249; s. 1, ch. 70-129; s. 9, ch. 81-168; s. 11, ch. 86-41; s. 26, ch. 93-193; s. 923, ch. 95-147; s. 16, ch. 99-1; s. 6, ch. 2015-39.

175.171 Optional forms of retirement

income.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified in s. 175.162, a firefighter, upon written request to the board of trustees and subject to the approval of the board of trustees, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

(a) A retirement income of larger monthly amount, payable to the firefighter for his or her lifetime only.

(b) A retirement income of a modified monthly amount, payable to the firefighter during the joint lifetime of the firefighter and a joint annuitant designated by the firefighter, and following the death of either of them, 100 percent, 75 percent, 66 ²/₃ percent, or 50 percent of such monthly amounts payable to the survivor for the lifetime of the survivor.

(c) Such other amount and form of retirement payments or benefits as, in the opinion of the board of trustees, will best meet the circumstances of the retiring firefighter.

1. The firefighter upon electing any option of this section must designate the joint annuitant or beneficiary to receive the benefit, if any, payable under the plan in the event of his or her death, and may change such designation, but any such change shall be deemed a new election and is subject to approval by the board of trustees. Such designation must name a joint annuitant or one or more primary beneficiaries where applicable. If a firefighter has elected an option with a joint annuitant or beneficiary and his or her retirement income benefits have commenced, the firefighter may change the designated joint annuitant or beneficiary, but only if the board of trustees consents to such change and if the joint annuitant last designated by the firefighter is alive when the firefighter files with the board of trustees a request for such change.

2. The consent of a firefighter's joint annuitant or beneficiary to any such change is not required.

3. The board of trustees may request evidence of the good health of the joint annuitant that is being removed, and the amount of the retirement income payable to the firefighter upon designation of a new joint annuitant shall be actuarially redetermined taking into account the age and gender of the former joint annuitant, the new joint annuitant, and the firefighter. Each designation must be made in writing on a form prepared by the board of trustees and filed with the board of trustees. If no designated beneficiary survives the firefighter, such benefits as are payable in the

event of the death of the firefighter subsequent to his or her retirement shall be paid as provided in s. 175.181.

4. Notwithstanding the provisions of this paragraph, a retired firefighter may change his or her designation of joint annuitant or beneficiary up to two times as provided in s. 175.333 without the approval of the board of trustees or the current joint annuitant or beneficiary. The retiree is not required to provide proof of the good health of the joint annuitant or beneficiary being removed, and the joint annuitant or beneficiary being removed need not be living.

(2) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:

(a) If a firefighter dies prior to his or her normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under s. 175.201.

(b) If the designated beneficiary or joint annuitant dies before the firefighter's retirement under the plan, the option elected is canceled automatically and a retirement income of the normal form and amount is payable to the firefighter upon retirement as if the election had not been made, unless a new election is made in accordance with this section or a new beneficiary is designated by the firefighter before retirement and within 90 days after the death of the beneficiary.

(c) If both the retired firefighter and the beneficiary (or beneficiaries) designated by him or her die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of paragraph (1)(c), the board of trustees may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with s. 175.181.

(d) If a firefighter continues beyond his or her normal retirement date pursuant to the provisions of s. 175.162(1) and dies prior to actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a beneficiary (or beneficiaries) designated by the firefighter in the amount or amounts computed as if the firefighter had retired under the option on the date on which death occurred.

(3) No firefighter may make any change in his or her retirement option after the date of cashing or depositing the first retirement check.

History.—s. 1, ch. 63-249; s. 2, ch. 65-58; s. 10, ch. 81-168; s. 12, ch. 86-41; s. 924, ch. 95-147; s. 17, ch. 99-1; s. 7, ch. 2009-97.

175.181 Beneficiaries.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) Each firefighter may, on a form provided for that purpose, signed and filed with the board of trustees, designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of his or her death; and each designation may be revoked by such firefighter by signing and filing with the board of trustees a new designation-of-beneficiary form.

(2) If no beneficiary is named in the manner provided by subsection (1), or if no beneficiary designated by the member survives him or her, the death benefit, if any, which may be payable under the plan with respect to such deceased firefighter shall be paid by the board of trustees to the estate of such deceased firefighter, provided that the board of trustees, in its discretion, may direct that the commuted value of the remaining monthly income payments be paid in a lump sum. Any payment made to any person pursuant to this subsection shall operate as a complete discharge of all obligations under the plan with regard to the deceased firefighter and any other persons with rights under the plan and shall not be subject to review by anyone but shall be final, binding, and conclusive on all persons ever interested hereunder.

(3) Notwithstanding any other provision of law to the contrary, the surviving spouse of any pension participant member killed in the line of duty shall not lose survivor retirement benefits if the spouse remarries. The surviving spouse of such deceased member whose benefit terminated because of remarriage shall have the benefit reinstated as of July 1, 1994, at an amount that would have been payable had such benefit not been terminated.

History.—s. 1, ch. 63-249; s. 11, ch. 81-168; s. 4, ch. 94-171; s. 1450, ch. 95-147; s. 18, ch. 99-1; s. 2, ch. 2000-159.

175.191 Disability retirement.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) A firefighter having 10 or more years of credited service or a firefighter who becomes totally and permanently disabled in the line of duty, regardless of length of service, may retire from the service of the municipality or special fire control district under the plan if the firefighter becomes totally and permanently disabled as defined in subsection (2) by reason of any cause other than a cause set out in subsection (3) on or after the effective date of the plan. Such retirement shall herein be referred to as "disability retirement."

(2) A firefighter will be considered totally disabled if, in the opinion of the board of trustees, he or she is wholly prevented from rendering useful and efficient service as a firefighter; and a firefighter will be considered permanently disabled if, in the opinion of the board of trustees, he or she is likely to remain so disabled continuously and permanently from a cause other than is specified in subsection (3).

(3) A firefighter will not be entitled to receive any disability retirement income if the disability is a result of:

(a) Excessive and habitual use by the firefighter of drugs, intoxicants, or narcotics;

(b) Injury or disease sustained by the firefighter while willfully and illegally participating in fights, riots, or civil insurrections or while committing a crime;

(c) Injury or disease sustained by the firefighter while serving in any armed forces; or

(d) Injury or disease sustained by the firefighter after his or her employment has terminated.

(4) No firefighter shall be permitted to retire under the provisions of this section until he or she is examined by a duly qualified physician or surgeon, to be selected by the board of trustees for that purpose, and is found to be disabled in the degree and in the manner specified in this section. Any firefighter retiring under this section may be examined periodically by a duly qualified physician or surgeon or board of physicians and surgeons, to be selected by the board of trustees for that purpose, to determine if such disability has ceased to exist.

(5) The benefit payable to a firefighter who retires from the service of a municipality or special fire control district due to total and permanent disability as a direct result of a disability is the monthly income payable for 10 years certain and life for which, if the firefighter's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly salary at the time of disability. If after 10 years of service the disability is other than in the line of duty, the firefighter's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly salary at the time of disability.

(6) The monthly retirement income to which a firefighter is entitled in the event of his or her disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be, if the firefighter recovers from the disability, the payment due next preceding the date of such recovery or, if the firefighter dies without recovering from the disability, the payment due next

preceding his or her death or the 120th monthly payment, whichever is later. In lieu of the benefit payment as provided in this paragraph, a firefighter may select an optional form as provided in s. 175.171. Any monthly retirement income payments due after the death of a disabled firefighter shall be paid to the firefighter's designated beneficiary (or beneficiaries) as provided in ss. 175.181 and 175.201.

(7) If the board of trustees finds that a firefighter who is receiving a disability retirement income is no longer disabled, as provided herein, the board of trustees shall direct that the disability retirement income be discontinued. "Recovery from disability" as used herein means the ability of the firefighter to render useful and efficient service as a firefighter.

(8) If the firefighter recovers from disability and reenters the service as a firefighter, service will be deemed to have been continuous, but the period beginning with the first month for which he or she received a disability retirement income payment and ending with the date he or she reentered the service may not be considered as credited service for the purpose of this plan.

History.—s. 1, ch. 63-249; s. 3, ch. 65-58; s. 2, ch. 70-129; s. 12, ch. 81-168; s. 13, ch. 86-41; s. 27, ch. 93-193; s. 925, ch. 95-147; s. 19, ch. 99-1.

175.195 False, misleading, or fraudulent statements made to obtain public retirement benefits prohibited; penalty.—

(1) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit available under a retirement plan receiving funding under this chapter.

(2)(a) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (1), a participant or beneficiary of a pension plan receiving funding under this chapter may, in the discretion of the board of trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this chapter. For purposes of this paragraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

History.—s. 20, ch. 99-1.

175.201 Death prior to retirement; refunds of contributions; death benefits.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) If a firefighter dies before being eligible to retire, the heirs, legatees, beneficiaries, or personal representatives of such deceased firefighter shall be entitled to a refund of 100 percent, without interest, of the contributions made to the firefighters' pension trust fund by such deceased firefighter or, in the event an annuity or life insurance contract has been purchased by the board of trustees on such firefighter, then to the death benefits available under such life insurance or annuity contract subject to the limitations on such death benefits set forth in s. 175.081, whichever amount is greater.

(2) If a firefighter having at least 10 years of credited service dies prior to retirement, his or her beneficiary is entitled to the benefits otherwise payable to the firefighter at early or normal retirement age.

In the event that the death benefit paid by a life insurance company exceeds the limit set forth in s. 175.081, the excess of the death benefit over the limit shall be paid to the firefighters' pension trust fund. However, death benefits provided pursuant to s. 112.191 or any other state or federal law shall not be included in the calculation of death or retirement benefits provided under this chapter.

History.—s. 1, ch. 63-249; s. 13, ch. 81-168; s. 14, ch. 86-41; s. 5, ch. 90-138; s. 28, ch. 93-193; s. 926, ch. 95-147; s. 21, ch. 99-1.

175.211 Separation from service; refunds.—

For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) If a firefighter leaves the service of the municipality or special fire control district before accumulating aggregate time of 10 years toward retirement and before being eligible to retire under the provisions of this chapter, the firefighter shall be entitled to a refund of all of his or her contributions made to the firefighters' pension trust fund after July 1, 1963, without interest, less any disability benefits paid to him or her after July 1, 1963.

(2) If a firefighter who has been in the service of the municipality or special fire control district for at least 10 years elects to leave his or her accrued contributions, if contributions are required, in the firefighters' pension trust fund, such firefighter upon attaining the age of 50 years may retire at the actuarial equivalent of the amount of such retirement income otherwise payable to him or her, as provided in s. 175.162(4), or upon attaining age 55 years may retire as provided in s. 175.162(1).

History.—s. 1, ch. 63-249; s. 14, ch. 81-168; s. 29, ch. 93-193; s. 927, ch. 95-147; s. 22, ch. 99-1.

175.221 Lump-sum payment of small retirement income.—For any municipality, special fire control district, chapter plan, local law municipality,

local law special fire control district, or local law plan under this chapter, notwithstanding any provisions of the plan to the contrary, if the monthly retirement income payable to any person entitled to benefits hereunder is less than \$100, or if the single-sum value of the accrued retirement income is less than \$5,000, as of the date of retirement or termination of service, whichever is applicable, the board of trustees, in the exercise of its discretion, may specify that the actuarial equivalent of such retirement income be paid in a lump sum.

History.—s. 1, ch. 63-249; s. 23, ch. 99-1.

175.231 Diseases of firefighters suffered in line of duty; presumption.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, any condition or impairment of health of a firefighter caused by tuberculosis, hypertension, or heart disease resulting in total or partial disability or death shall be presumed to have been accidental and suffered in the line of duty unless the contrary is shown by competent evidence, provided that such firefighter shall have successfully passed a physical examination before entering into such service, which examination failed to reveal any evidence of such condition. This section shall be applicable to all firefighters only with reference to pension and retirement benefits under this chapter.

History.—s. 1, ch. 63-249; s. 15, ch. 81-168; s. 24, ch. 99-1.

175.241 Exemption from tax and execution.—

For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the pensions, annuities, or other benefits accrued or accruing to any person under any chapter plan or local law plan under the provisions of this chapter and the accumulated contributions and the cash securities in the funds created under this chapter are hereby exempted from any state, county, or municipal tax and shall not be subject to execution or attachment or to any legal process whatsoever, and shall be unassignable.

History.—s. 1, ch. 63-249; s. 25, ch. 99-1.

175.261 Annual report to Division of Retirement; actuarial valuations.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(1) With respect to chapter plans:

(a) Each year, by February 1, the chair or secretary of the board of trustees of each firefighters' pension trust fund operating under a chapter plan shall file a report with the division which contains:

1. A statement of whether in fact the municipality or special fire control district is within the provisions of s. 175.041.

2. An independent audit by a certified public accountant if the fund has \$250,000 or more in assets, or a certified statement of accounting if the fund has less than \$250,000 in assets, for the most recent plan year, showing a detailed listing of assets and methods used to value them and a statement of all income and disbursements during the year. Such income and disbursements shall be reconciled with the assets at the beginning and end of the year.

3. A statistical exhibit showing the total number of firefighters on the force, the number included in the retirement plan and the number ineligible, classified according to the reason for their being ineligible, and the number of disabled firefighters and retired firefighters and their beneficiaries receiving pension payments and the amounts of annual retirement income or pension payments being received by them.

4. A statement of the amount the municipality or special fire control district, or other income source, has contributed to the retirement fund for the most recent plan year and the amount the municipality or special fire control district will contribute to the retirement fund during its current plan year.

5. If any benefits are insured with a commercial insurance company, the report should include a statement of the relationship of the insured benefits to the benefits provided by this chapter as well as the name of the insurer and information about the basis of premium rates, mortality table, interest rates, and method used in valuing retirement benefits.

(b) In addition to annual reports provided under paragraph (a), by February 1 of each triennial year, an actuarial valuation of the chapter plan must be made by the division at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. To that end, the chair of the board of trustees for each firefighters' pension trust fund operating under a chapter plan shall report to the division such data as it needs to complete an actuarial valuation of each fund. The forms for each municipality and special fire control district shall be supplied by the division. The expense of this actuarial valuation shall be borne by the firefighters' pension trust fund established by ss. 175.041 and 175.121. The requirements of this section are supplemental to the actuarial valuations necessary to comply with s. 218.39.

(2) With respect to local law plans:

(a) Each year, on or before March 15, the trustees of the retirement plan shall submit the following information to the division in order for the

retirement plan of such municipality or special fire control district to receive a share of the state funds for the then-current calendar year:

1. A certified copy of each and every instrument constituting or evidencing the plan. This includes the formal plan, including all amendments, the trust agreement, copies of all insurance contracts, and formal announcement material.

2. An independent audit by a certified public accountant if the fund has \$250,000 or more in assets, or a certified statement of accounting if the fund has less than \$250,000 in assets, for the most recent plan year, showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year.

3. A certified statement listing the investments of the plan and a description of the methods used in valuing the investments.

4. A statistical exhibit showing the total number of firefighters, the number included in the plan, and the number ineligible classified according to the reasons for their being ineligible, and the number of disabled and retired firefighters and their beneficiaries receiving pension payments and the amounts of annual retirement income or pension payments being received by them.

5. A certified statement describing the methods, factors, and actuarial assumptions used in determining the cost.

6. A certified statement by an enrolled actuary showing the results of the latest actuarial valuation of the plan and a copy of the detailed worksheets showing the computations used in arriving at the results.

7. A statement of the amount the municipality or special fire control district, or other income source, has contributed toward the plan for the most recent plan year and will contribute toward the plan for the current plan year.

When any of the items required hereunder is identical to the corresponding item submitted for a previous year, it is not necessary for the trustees to submit duplicate information if they make reference to the item in the previous year's report.

(b) In addition to annual reports provided under paragraph (a), an actuarial valuation of the retirement plan must be made at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. Such valuation shall be prepared by an enrolled actuary, subject to the following conditions:

1. The assets shall be valued as provided in s. 112.625(7).

2. The cost of the actuarial valuation must be paid by the individual firefighters' retirement fund or by the sponsoring municipality or special fire control district.

3. A report of the valuation, including actuarial assumptions and type and basis of funding, shall be made to the division within 3 months after the date of valuation. If any benefits are insured with a commercial insurance company, the report must include a statement of the relationship of the retirement plan benefits to the insured benefits, the name of the insurer, the basis of premium rates, and the mortality table, interest rate, and method used in valuing the retirement benefits.

History.—s. 1, ch. 63-249; s. 4, ch. 65-58; ss. 13, 35, ch. 69-106; s. 17, ch. 81-168; s. 15, ch. 86-41; s. 31, ch. 93-193; s. 928, ch. 95-147; s. 7, ch. 96-324; s. 27, ch. 99-1; s. 42, ch. 2001-266; s. 15, ch. 2004-305.

175.301 Depository for pension funds.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, all funds of the firefighters' pension trust fund of any chapter plan or local law plan under this chapter may be deposited by the board of trustees with the treasurer of the municipality or special fire control district, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality or special fire control district. However, any funds so deposited with the treasurer of the municipality or special fire control district shall be kept in a separate fund by the treasurer or clearly identified as such funds of the firefighters' pension trust fund. In lieu thereof, the board of trustees shall deposit the funds of the firefighters' pension trust fund in a qualified public depository as defined in s. 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of chapter 280.

History.—s. 1, ch. 63-249; s. 19, ch. 81-168; s. 17, ch. 86-41; s. 2, ch. 88-185; s. 33, ch. 93-193; s. 930, ch. 95-147; s. 29, ch. 99-1.

175.311 Municipalities, special fire control districts, and boards independent of each other.—In the enforcement and interpretation of the provisions of this chapter for any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, each municipality and each special fire control district shall be independent of any other municipality or special fire control district, and the board of trustees of the firefighters' pension trust fund of each municipality and each special fire control district shall

function for the municipality or special fire control district that it serves as trustee. Each board of trustees shall be independent of the municipality or special fire control district for which it serves as board of trustees to the extent required to accomplish the intent, requirements, and responsibilities provided for in this chapter.

History.—s. 1, ch. 63-249; s. 4, ch. 79-380; s. 18, ch. 86-41; s. 34, ch. 93-193; s. 30, ch. 99-1.

175.333 Discrimination in benefit formula prohibited; restrictions regarding designation of joint annuitants.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) No plan shall discriminate in its benefit formula based on color, national origin, sex, or marital status.

(2)(a) If a plan offers a joint annuitant option and the member selects such option, or if a plan specifies that the member's spouse is to receive the benefits that continue to be payable upon the death of the member, then, in both of these cases, after retirement benefits have commenced, a retired member may change his or her designation of joint annuitant or beneficiary only twice.

(b) Any retired member who desires to change his or her joint annuitant or beneficiary shall file with the board of trustees of his or her plan a notarized notice of such change either by registered letter or on such form as is provided by the administrator of the plan. Upon receipt of a completed change of joint annuitant form or such other notice, the board of trustees shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit. Nothing herein shall preclude a plan from actuarially adjusting benefits or offering options based upon sex, age, early retirement, or disability.

(3) Eligibility for coverage under the plan must be based upon length of service or attained age, or both, and benefits must be determined by a nondiscriminatory formula based upon:

(a) Length of service and compensation; or

(b) Length of service.

History.—s. 4, ch. 79-380; s. 19, ch. 86-41; s. 932, ch. 95-147; s. 33, ch. 99-1.

175.341 Duties of Division of Retirement; rulemaking authority; investments by State Board of Administration.—

(1) The division shall be responsible for the daily oversight and monitoring for actuarial soundness of the firefighters' pension plans, whether chapter or local law plans, established under this chapter, for receiving and

holding the premium tax moneys collected under this chapter, and, upon determining compliance with the provisions of this chapter, for disbursing those moneys to the firefighters' pension plans. The funds necessary to pay expenses for such administration shall be annually appropriated from the interest and investment income earned on moneys deposited in the trust fund.

(2) The State Board of Administration shall invest and reinvest the moneys in the trust fund collected under this chapter in accordance with ss. 215.44-215.53. Costs incurred by the board in carrying out the provisions of this subsection shall be deducted from the interest and investment income accruing to the trust fund.

History.—s. 1, ch. 63-249; ss. 13, 35, ch. 69-106; s. 36, ch. 93-193; s. 3, ch. 95-250; s. 11, ch. 98-200; s. 34, ch. 99-1; s. 48, ch. 2012-116.

175.351 Municipalities and special fire control districts that have their own retirement plans for firefighters.—In order for a municipality or special fire control district that has its own retirement plan for firefighters, or for firefighters and police officers if both are included, to participate in the distribution of the tax fund established under s. 175.101, a local law plan must meet minimum benefits and minimum standards, except as provided in the mutual consent provisions in paragraph (1)(g) with respect to the minimum benefits not met as of October 1, 2012.

(1) If a municipality has a retirement plan for firefighters, or for firefighters and police officers if both are included, which in the opinion of the division meets minimum benefits and minimum standards, the board of trustees of the retirement plan must place the income from the premium tax in s. 175.101 in such plan for the sole and exclusive use of its firefighters, or for firefighters and police officers if both are included, where it shall become an integral part of that plan and be used to fund benefits as provided herein. Effective October 1, 2015, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2015:

(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district.

(b) Of the additional premium tax revenues received that are in excess of the amount received for the 2012 calendar year, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality or special fire control district, and 50 percent must be placed in a defined contribution plan to fund special benefits.

(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits.

If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).

(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits, and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan; provided that any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities must be used to fund special benefits.

(e) For a plan created after March 1, 2015, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(f) If a plan offers benefits in excess of the minimum benefits, such benefits, excluding supplemental plan benefits in effect as of September 30, 2014, may be reduced if the plan continues to meet minimum benefits and minimum standards. The amount of insurance premium tax revenues previously used to fund benefits in excess of minimum benefits before the reduction, excluding the amount of any additional premium tax revenues distributed to a supplemental plan for the 2012 calendar year, must be used as provided in paragraph (b). However, benefits in excess of minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent of the average final compensation of a full-time firefighter, as required by s. 175.162(2)(a)1., or provides an effective benefit that is below 2.75 percent as a result of a maximum benefit limitation as described in s. 175.162(2)(a)2.

(g) Notwithstanding paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if there is no representative, by a majority of the firefighter members of the fund, and by consent of the municipality or special fire control district, provided that the plan continues to meet minimum benefits and minimum standards; however, a plan that operates pursuant to this paragraph and does not meet minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided as of October 1, 2012, and all other benefit levels must continue to meet the minimum benefits. Such mutually agreed deviation must continue until modified or revoked by subsequent

mutual consent of the members' collective bargaining representative or, if none, by a majority of the firefighter members of the fund, and the municipality or special fire control district. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2015, to be a deviation for which mutual consent has been granted.

(2) The premium tax provided by this chapter must be used in its entirety to provide retirement benefits to firefighters, or to firefighters and police officers if both are included. Local law plans created by special act before May 27, 1939, are deemed to comply with this chapter.

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality, special fire control district, or, where required, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only those local law plans created by special act of legislation before May 27, 1939, are deemed to meet minimum benefits and minimum standards.

(4) Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) A local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) Section 175.061(1)(b) does not apply, and a local law plan and a supplemental plan shall continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing, and copies made available to the participants and to the general public.

(6) In addition to the defined benefit plan component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2015, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1,

2015, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution plan component may or may not receive any funding.

(7) Notwithstanding any other provision of this chapter, a municipality or special fire control district that has implemented or proposed changes to a local law plan based on the municipality's or district's reliance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 3, 2015, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality or district and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality or district dated before March 3, 2015. Changes to the local law plan which are otherwise contrary to minimum benefits and minimum standards may continue in effect until the earlier of October 1, 2018, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

History.—s. 1, ch. 63-249; ss. 13, 35, ch. 69-106; s. 5, ch. 79-380; s. 21, ch. 81-168; s. 47, ch. 83-217; s. 20, ch. 86-41; s. 37, ch. 93-193; s. 933, ch. 95-147; s. 35, ch. 99-1; s. 4, ch. 2002-66; s. 5, ch. 2004-21; s. 7, ch. 2011-216; s. 7, ch. 2015-39.

175.361 Termination of plan and distribution of fund.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, the plan may be terminated by the municipality or special fire control district. Upon termination of the plan by the municipality or special fire control district for any reason or because of a transfer, merger, or consolidation of governmental units, services, or functions as provided in chapter 121, or upon written notice by the municipality or special fire control district to the board of trustees that contributions under the plan are being permanently discontinued, the rights of all employees to benefits accrued to the date of such termination and the amounts credited to the employees' accounts are nonforfeitable. The fund shall be distributed in accordance with the following procedures:

(1) The board of trustees shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the municipality or special fire control district if additional assets are required, in which event the municipality or special fire control district shall continue to financially support the plan until all nonforfeitable benefits have been funded.

(2) The board of trustees shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each firefighter entitled to benefits under the plan as specified in subsection (3).

(3) The board of trustees shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the employee's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the employee.

(4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the municipality or special fire control district, less return to the state of the state's contributions, provided that, if the excess is less than the total contributions made by the municipality or special fire control district and the state to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the municipality or special fire control district and the state.

(5) The board of trustees shall distribute, in accordance with subsection (2), the amounts determined under subsection (3).

If, after 24 months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued, the municipality or special fire control district or the board of trustees of the firefighters' pension trust fund affected has not complied with all the provisions in this section, the Department of Management Services shall effect the termination of the fund in accordance with this section.

History.—s. 1, ch. 63-249; s. 5, ch. 65-58; s. 22, ch. 81-168; s. 48, ch. 83-217; s. 21, ch. 86-41; s. 38, ch. 93-193; s. 934, ch. 95-147; s. 36, ch. 99-1; s. 8, ch. 2009-97.

175.371 Transfer to another state retirement system; benefits payable.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(1) Any firefighter who has a vested right to benefits under a pension plan created pursuant to the provisions of this chapter and who elects to participate

in another state retirement system may not receive a benefit under the provisions of the latter retirement system for any year's service for which benefits are paid under the provisions of the pension plan created pursuant to this chapter.

(2) When every active participant in any pension plan created pursuant to this chapter elects to transfer to another state retirement system, the pension plan created pursuant to this chapter shall be terminated and the assets distributed in accordance with s. 175.361. If some participants in a pension plan created pursuant to this chapter elect to transfer to another state retirement system and other participants elect to remain in the existing plan created pursuant to this chapter, the plan created pursuant to this chapter shall continue to receive state premium tax moneys until fully funded. If the plan is fully funded at a particular valuation date and not fully funded at a later valuation date, the plan shall resume receipt of state premium tax moneys until the plan is once again fully funded. "Fully funded" means that the present value of all benefits, accrued and projected, is less than the available assets and the present value of future member contributions and future plan sponsor contributions on an actuarial entry age cost funding basis. Effective May 31, 1998, for plans discussed herein, the plan shall remain in effect until the final benefit payment has been made to the last participant or beneficiary and shall then be terminated in accordance with s. 175.361.

History.—s. 22, ch. 86-41; s. 37, ch. 99-1; s. 5, ch. 2002-66.

175.381 Applicability.—This act shall apply to all municipalities, special fire control districts, chapter plans, local law municipalities, local law special fire control districts, or local law plans presently existing or to be created pursuant to this chapter. Those plans presently existing pursuant to s. 175.351 and not in compliance with the provisions of this act must comply no later than December 31, 1999. However, the plan sponsor of any plan established by special act of the Legislature shall have until July 1, 2000, to comply with the provisions of this act, except as otherwise provided in this act with regard to establishment and election of board members. The provisions of this act shall be construed to establish minimum standards and minimum benefit levels, and nothing contained in this act or in chapter 175 shall operate to reduce presently existing rights or benefits of any firefighter, directly, indirectly, or otherwise.

History.—s. 23, ch. 86-41; s. 38, ch. 99-1.

175.401 Retiree health insurance subsidy.—

For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, under the broad grant of home rule powers under the Florida Constitution and chapter 166, municipalities have the authority to establish and administer locally funded health insurance subsidy programs. In addition, special fire control districts may, by resolution, establish and administer locally funded health insurance subsidy programs. Pursuant thereto:

(1) **PURPOSE.**—The purpose of this section is to allow municipalities and special fire control districts the option to use premium tax moneys, as provided for under this chapter, to establish and administer health insurance subsidy programs which will provide a monthly subsidy payment to retired members of any firefighters' pension trust fund system or plan as provided under this chapter, or to beneficiaries who are spouses or financial dependents entitled to receive benefits under such a plan, in order to assist such retired members or beneficiaries in paying the costs of health insurance.

(2) **RETIREE HEALTH INSURANCE SUBSIDY TRUST FUNDS; ESTABLISHMENT AND TERMINATION.**—

(a) Any municipality or special fire control district having a firefighters' pension trust fund system or plan as provided under this chapter may, in its discretion, establish by ordinance or resolution, as appropriate, a trust fund to be known as the firefighters' retiree health insurance subsidy trust fund. This fund may be a separate account established for such purpose in the existing firefighters' pension fund, provided that all funds deposited in such account are segregated from, and not commingled with, pension funds or other public moneys and that the account otherwise conforms to the requirements of subsection (8). The trust fund shall be used to account for all moneys received and disbursed pursuant to this section.

(b) Prior to the second reading of the ordinance before the municipal legislative body, or of the resolution before the governing body of the special fire control district, an actuarial valuation must be performed by an enrolled actuary as provided in s. 112.63, and copies of the valuation and the proposed implementing ordinance or resolution shall be furnished to the division.

(c) The subsidy program may, at the discretion of the municipal governing body, be permanently discontinued by municipal ordinance, and at the discretion of the governing body of a special fire control district may be permanently discontinued by resolution, at any time, subject to the requirements of any applicable collective bargaining agreement, in the same manner and subject to the same conditions

established for plan termination and fund distribution under s. 175.361.

(3) **FUNDING.**—Trust funds established pursuant to this section shall be funded in the following manner:

(a) By payment to the fund of an amount equivalent to one-half of the net increase over the previous tax year in the premium tax funds provided for in this chapter, said amount to be established in the implementing ordinance or resolution.

(b) By no less than one-half of 1 percent of the base salary of each firefighter, for so long as the firefighter is employed and covered by a pension plan established pursuant to this chapter. The municipality or special fire control district, with approval of the board of trustees, may increase member contributions if needed to fund benefits greater than the minimums established in this section.

(c) By payment by the municipality or special fire control district, on at least a quarterly basis, of whatever sum is determined necessary to maintain the actuarial soundness of the fund in accordance with s. 112.64.

Such contributions and payments shall be submitted to the board of trustees of the firefighters' pension trust fund, or the plan trustees in the case of local law plans established under s. 175.351, and deposited in the firefighters' retiree health insurance subsidy trust fund, in the same manner and subject to the same time constraints as provided under s. 175.131.

(4) **ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.**—A person who has contributed to the retiree health insurance subsidy trust fund and retires under a firefighters' pension trust fund system or plan as provided under this chapter, including any local law plan as provided under s. 175.351, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under such a plan, is eligible for health insurance subsidy payments provided under this section. However, the fund, with approval of the board of trustees and approval of the municipality or special fire control district, may provide coverage to retirees and beneficiaries when the retirees have not contributed to the fund as provided in subsection (3). Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the board of trustees of the firefighters' pension trust fund.

(5) **RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.**—Beginning on the effective date established in the implementing ordinance or resolution, each eligible retiree, or beneficiary who is a spouse or financial dependent thereof, shall receive a monthly retiree health insurance subsidy payment equal to the aggregate number of years of service, as defined in s. 175.032, completed at the time of retirement multiplied by an amount determined in the

implementing ordinance or resolution, but no less than \$3 for each year of service. Nothing herein shall be construed to restrict the plan sponsor from establishing, in the implementing ordinance or resolution, a cap of no less than 30 years upon the number of years' service for which credit will be given toward a health insurance subsidy or a maximum monthly subsidy amount.

(6) **PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.**—Beginning on the effective date established in the implementing ordinance or resolution, any monthly retiree health insurance subsidy amount due and payable under this section shall be paid to retired members, or their eligible beneficiaries, by the board of trustees of the firefighters' pension trust fund, or the plan trustees in the case of local law plans established under s. 175.351, in the same manner as provided by s. 175.071(1)(c) for drafts upon the pension fund.

(7) **INVESTMENT OF THE TRUST FUND.**—The trustees of the firefighters' pension trust fund, or the plan trustees in the case of local law plans established under s. 175.351, are hereby authorized to invest and reinvest the funds of the firefighters' retiree health insurance subsidy trust fund in the same manner and subject to the same conditions as apply hereunder to the investment of firefighters' pension funds under s. 175.071.

(8) **DEPOSIT OF HEALTH INSURANCE SUBSIDY FUNDS.**—All funds of the health insurance subsidy fund may be deposited by the board of trustees with the treasurer of the municipality or special fire control district, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality or special fire control district. Any funds so deposited shall be segregated by the treasurer in a separate fund, clearly identified as funds of the health insurance subsidy fund. In lieu thereof, the board of trustees shall deposit the funds of the health insurance subsidy fund in a qualified public depository as defined in s. 280.02, which shall conform to and be bound by the provisions of chapter 280 with regard to such funds. In no case shall the funds of the health insurance subsidy fund be deposited in any financial institution, brokerage house trust company, or other entity that is not a public depository as provided by s. 280.02.

(9) **SEPARATION FROM SERVICE; REFUNDS.**—Any firefighter who terminates employment with a municipality or special fire control district having a retiree health insurance subsidy trust fund system or plan as provided under this section shall be entitled to a refund of all employee contributions he or she made to that trust fund, without interest, regardless of whether the firefighter has vested for purposes of retirement. Any firefighter who

has vested for purposes of retirement in the service of the municipality or special fire control district, and has contributed to the firefighters' retiree health insurance subsidy trust fund for so long as he or she was eligible to make such contributions, may, in his or her discretion, elect to leave his or her accrued contributions in the fund, whereupon, such firefighter shall, upon retiring and commencing to draw retirement benefits, receive a health insurance subsidy based upon his or her aggregate number of years of service, as defined in s. 175.032.

(10) **ADMINISTRATION OF SYSTEM; ACTUARIAL VALUATIONS; AUDITS; RULES; ADMINISTRATIVE COSTS.**—The board of trustees of the firefighters' pension trust fund, or the plan trustees in the case of local law plans established under s. 175.351, shall be solely responsible for administering the health insurance subsidy trust fund. Pursuant thereto:

(a) As part of its administrative duties, no less frequently than every 3 years, the board shall have an actuarial valuation of the firefighters' retiree health insurance subsidy trust fund prepared as provided in s. 112.63 by an enrolled actuary, covering the same reporting period or plan year used for the firefighters' pension plan, and shall submit a report of the valuation, including actuarial assumptions and type and basis of funding, to the division.

(b) By February 1 of each year, the trustees shall file a report with the division, containing an independent audit by a certified public accountant if the fund has \$250,000 or more in assets, or a certified statement of accounting if the fund has less than \$250,000 in assets, for the most recent plan year, showing a detailed listing of assets and methods used to value them and a statement of all income and disbursements during the year. Such income and disbursements shall be reconciled with the assets at the beginning of and end of the year.

(c) The trustees may adopt such rules and regulations as are necessary for the effective and efficient administration of this section.

(d) At the discretion of the plan sponsor, the cost of administration may be appropriated from the trust fund or paid directly by the plan sponsor.

(11) **BENEFITS.**—Subsidy payments shall be payable under the firefighters' retiree health insurance subsidy program only to participants in the program or their beneficiaries. Such subsidy payments shall not be subject to assignment, execution, or attachment or to any legal process whatsoever, and shall be in addition to any other benefits to which eligible recipients are entitled under any workers' compensation law, pension law, collective bargaining agreement, municipal or county ordinance, or any other state or federal statute.

(12) **DISTRIBUTION OF PREMIUM TAXES; COMPLIANCE REQUIRED.**—Premium tax dollars for

which spending authority is granted under this section shall be distributed from the Police and Firefighters' Premium Tax Trust Fund and remitted annually to municipalities and special fire control districts in the same manner as provided under this chapter for firefighters' pension funds. Once a health insurance subsidy plan has been implemented by a municipality or special fire control district under this section, in order for the municipality or special fire control district to participate in the distribution of premium tax dollars authorized under this section, all provisions of this section, including state acceptance pursuant to part VII of chapter 112, shall be complied with, and said premium tax dollars may be withheld for noncompliance.

History.—s. 1, ch. 92-51; s. 39, ch. 93-193; s. 12, ch. 94-259; s. 1451, ch. 95-147; s. 4, ch. 95-250; s. 40, ch. 99-1.

175.411 Optional participation.—A municipality or special fire control district may revoke its participation under this chapter by rescinding the legislative act, ordinance, or resolution which assesses

and imposes the taxes authorized in s. 175.101, and by furnishing a certified copy of such legislative act, ordinance, or resolution to the division. Thereafter, the municipality or special fire control district shall be prohibited from participating under this chapter, and shall not be eligible for future premium tax moneys. Premium tax moneys previously received shall continue to be used for the sole and exclusive benefit of firefighters, or firefighters and police officers where included, and no amendment, legislative act, ordinance, or resolution shall be adopted which shall have the effect of reducing the then-vested accrued benefits of the firefighters, retirees, or their beneficiaries. The municipality or special fire control district shall continue to furnish an annual report to the division as provided in s. 175.261. If the municipality or special fire control district subsequently terminates the defined benefit plan, they shall do so in compliance with the provisions of s. 175.361.

History.—s. 81, ch. 99-1.

Chapter

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CHAPTER 185

MUNICIPAL POLICE PENSIONS

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185.01 Legislative declaration.—

(1) It is hereby found and declared by the Legislature that police officers as hereinafter defined perform both state and municipal functions; that they make arrests for violations of state traffic laws on public highways; that they keep the public peace; that they conserve both life and property; and that their activities are vital to public welfare of this state. Therefore the Legislature declares that it is a proper and legitimate state purpose to provide a uniform retirement system for the benefit of police officers as hereinafter defined and intends, in implementing the provisions of s. 14, Art. X of the State Constitution as they relate to municipal police officers' retirement trust fund systems and plans, that such retirement systems or plans be managed, administered, operated, and funded in such manner as to maximize the protection of police officers' retirement trust funds. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

(2) This chapter hereby establishes, for all municipal pension plans provided for under this chapter, including chapter plans and local law plans, minimum benefits and minimum standards for the operation and funding of such plans, hereinafter

referred to as municipal police officers' retirement trust funds, which must be met as conditions precedent to the plan or plan sponsor's receiving a distribution of insurance premium tax revenues under s. 185.10. Minimum benefits and minimum standards for each plan may not be diminished by local ordinance or by special act of the Legislature and may not be reduced or offset by any other local, state, or federal plan that includes police officers in its operation, except as provided under s. 112.65.

History.—s. 1, ch. 28230, 1953; s. 1, ch. 86-42; s. 41, ch. 99-1; s. 8, ch. 2015-39.

185.015 Short title.—This chapter may be cited as the “Marvin B. Clayton Police Officers Pension Trust Fund Act.”

History.—s. 3, ch. 2004-21.

185.02 Definitions.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the term:

(1) “Additional premium tax revenues” means revenues received by a municipality pursuant to s. 185.10 which exceed base premium tax revenues.

(2) “Average final compensation” means one-twelfth of the average annual compensation of the 5 best years of the last 10 years of creditable service before retirement, termination, or death.

(3) “Base premium tax revenues” means:

(a) For a local law plan in effect on October 1, 2003, the revenues received by a municipality pursuant to s. 185.10 for the 2002 calendar year.

(b) For a local law plan created between October 1, 2003, and March 1, 2015, inclusive, the revenues received by a municipality pursuant to s. 185.10 based upon the tax collections during the second calendar year of participation.

(4) “Casualty insurance” means automobile public liability and property damage insurance to be applied at the place of residence of the owner, or if the subject is a commercial vehicle, to be applied at the place of business of the owner; automobile collision insurance; fidelity bonds; burglary and theft insurance; and plate glass insurance. The term “multiple peril” means a combination or package policy that includes both property coverage and casualty coverage for a single premium.

(5) “Chapter plan” means a separate defined benefit pension plan for police officers which incorporates by reference the provisions of this chapter and has been adopted by the governing body of a municipality as provided in s. 185.08. Except as specifically authorized in this chapter, the provisions of a chapter plan may not differ from the plan provisions set forth in ss. 185.01-185.341 and ss. 185.37-185.39. Actuarial valuations of chapter plans shall be conducted by the division as provided by s. 185.221(1)(b).

(6) “Compensation” or “salary” means, for noncollectively bargained service earned before July 1, 2011, or for service earned under collective bargaining agreements in place before July 1, 2011, the total cash remuneration including “overtime” paid by the primary employer to a police officer for services rendered, but not including any payments for extra duty or special detail work performed on behalf of a second party employer. Overtime may be limited before July 1, 2011, in a local law plan by the plan provisions. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

(a) Any retirement trust fund or plan that meets the requirements of this chapter does not, solely by virtue of this subsection, reduce or diminish the monthly retirement income otherwise payable to each police officer covered by the retirement trust fund or plan.

(b) The member's compensation or salary contributed as employee-elective salary reductions or deferrals to any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to be the compensation or salary the member would receive if he or she were not participating in such program and shall be treated as compensation for retirement purposes under this chapter.

(c) For any person who first becomes a member in any plan year beginning on or after January 1, 1996, compensation for that plan year may not include any amounts in excess of the Internal Revenue Code s. 401(a)(17) limitation, as amended by the Omnibus Budget Reconciliation Act of 1993, which limitation of \$150,000 shall be adjusted as required by federal law for qualified government plans and further adjusted for changes in the cost of living in the manner provided by Internal Revenue Code s. 401(a)(17)(B). For any person who first became a member before the first plan year beginning on or after January 1, 1996, the limitation on compensation may not be less than the maximum compensation amount that was allowed to be taken into account under the plan in effect on July 1, 1993, which limitation shall be adjusted for changes in the cost of living since 1989 in the manner provided by Internal Revenue Code s. 401(a)(17)(1991).

(7) “Creditable service” or “credited service” means the aggregate number of years of service and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years

when such police officer may not have been employed by the municipality subject to the following conditions:

(a) A police officer may not receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the police officer repays into the fund the amount he or she has withdrawn, plus interest as determined by the board. The member has at least 90 days after his or her reemployment to make repayment.

(b) A police officer may voluntarily leave his or her contributions in the fund for 5 years after leaving the employ of the police department, pending the possibility of his or her being rehired by the same department, without losing credit for the time he or she has participated actively as a police officer. If he or she is not reemployed as a police officer with the same department within 5 years, his or her contributions shall be returned without interest.

(c) Credited service under this chapter shall be provided only for service as a police officer or for military service and may not include credit for any other type of service. A municipality, by local ordinance, may provide for the purchase of credit for military service occurring before employment as well as prior service as a police officer for some other employer as long as the police officer is not entitled to receive a benefit for such prior service. For purposes of determining credit for prior service, in addition to service as a police officer in this state, credit may be given for federal, other state, or county service as long as such service is recognized by the Criminal Justice Standards and Training Commission within the Department of Law Enforcement as provided in chapter 943 or the police officer provides proof to the board of trustees that such service is equivalent to the service required to meet the definition of a police officer.

(d) In determining the creditable service of a police officer, credit for up to 5 years of the time spent in the military service of the Armed Forces of the United States shall be added to the years of actual service if:

1. The police officer is in the active employ of the municipality before such service and leaves a position, other than a temporary position, for the purpose of voluntary or involuntary service in the Armed Forces of the United States.

2. The police officer is entitled to reemployment under the Uniformed Services Employment and Reemployment Rights Act.

3. The police officer returns to his or her employment as a police officer of the municipality within 1 year after the date of his or her release from such active service.

(8) "Deferred Retirement Option Plan" or "DROP" means a local law plan retirement option in which a

police officer may elect to participate. A police officer may retire for all purposes of the plan and defer receipt of retirement benefits into a DROP account while continuing employment with his or her employer. However, a police officer who enters the DROP and who is otherwise eligible to participate may not be precluded from participation or continued participation in a supplemental plan in existence on, or created after, March 12, 1999.

(9) "Defined contribution plan" means the component of a local law plan, as provided in s. 185.35(1), to which deposits, if any, are made to provide benefits for police officers, or for police officers and firefighters if both are included. Such component is an element of a local law plan and exists in conjunction with the defined benefit component that meets minimum benefits and minimum standards. The retirement benefits, if any, of the defined contribution plan shall be provided through individual member accounts in accordance with the applicable provisions of the Internal Revenue Code and related regulations and are limited to the contributions, if any, made into each member's account and the actual accumulated earnings, net of expenses, earned on the member's account.

(10) "Division" means the Division of Retirement of the Department of Management Services.

(11) "Enrolled actuary" means an actuary who is enrolled under Subtitle C of Title III of the Employee Retirement Income Security Act of 1974 and who is a member of the Society of Actuaries or the American Academy of Actuaries.

(12) "Local law municipality" means any municipality in which a local law plan exists.

(13) "Local law plan" means a retirement plan that includes both a defined benefit plan component and a defined contribution plan component for police officers, or for police officers and firefighters if both are included, as described in s. 185.35, established by municipal ordinance or special act of the Legislature, which sets forth all plan provisions. Local law plan provisions may vary from the provisions of this chapter if minimum benefits and minimum standards are met. However, any such variance must provide a greater benefit for police officers. Actuarial valuations of local law plans shall be conducted by an enrolled actuary as provided in s. 185.221(2)(b).

(14) "Minimum benefits" means the benefits specified in ss. 185.01-185.341 and ss. 185.37-185.50.

(15) "Minimum standards" means the standards specified in ss. 185.01-185.50.

(16) "Police officer" means any person who is elected, appointed, or employed full time by a municipality, who is certified or required to be certified as a law enforcement officer in compliance with s. 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is

the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as those terms are defined in s. 943.10. For the purposes of this chapter only, the term also includes a public safety officer who is responsible for performing both police and fire services. Any plan may provide that the police chief shall have an option to participate in that plan.

(17) "Police Officers' Retirement Trust Fund" means a trust fund, by whatever name known, as provided under s. 185.03 for the purpose of assisting municipalities in establishing and maintaining a retirement plan for police officers.

(18) "Retiree" or "retired police officer" means a police officer who has entered retirement status. For the purposes of a plan that includes a Deferred Retirement Option Plan (DROP), a police officer who enters the DROP is considered a retiree for all purposes of the plan. However, a police officer who enters the DROP and who is otherwise eligible to participate may not be precluded from participation or continued participation in a supplemental plan in existence on, or created after, March 12, 1999.

(19) "Retirement" means a police officer's separation from municipal employment as a police officer with immediate eligibility for benefits under the plan. For purposes of a plan that includes a Deferred Retirement Option Plan (DROP), "retirement" means the date a police officer enters the DROP.

(20) "Special act plan" means a plan subject to the provisions of this chapter which was created by an act of the Legislature and continues to require an act of the Legislature to alter plan benefits.

(21) "Special benefits" means benefits provided in a defined contribution plan component for police officers.

(22) "Supplemental plan" means a plan to which deposits of the premium tax moneys as provided in s. 185.08 are made to provide special benefits to police officers, or police officers and firefighters if both are included. Such a plan is an element of a local law plan and exists in conjunction with a defined benefit plan component that meets minimum benefits and minimum standards. Any supplemental plan in existence on March 1, 2015, shall be deemed to be a defined contribution plan in compliance with s. 185.35(6).

(23) "Supplemental plan municipality" means a local law municipality in which any supplemental plan existed as of December 1, 2000.

History.—s. 11, ch. 28230, 1953; s. 1, ch. 29825, 1955; s. 1, ch. 59-320; s. 1, ch. 61-85; s. 7, ch. 79-380; s. 2, ch. 79-388; s. 2, ch. 86-42; s. 43, ch. 91-45; s. 40, ch. 93-193; s. 939, ch. 95-147; s. 14, ch. 95-154; s. 42, ch. 99-1; s. 28, ch. 2000-151; s. 3, ch. 2000-159; s. 2, ch. 2002-66; s. 9, ch. 2009-97; s. 8, ch. 2011-216; s. 9, ch. 2015-39.

185.03 Municipal police officers' retirement trust funds; creation; applicability of provisions; participation by public safety officers.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) There shall be established a special fund exclusively for the purpose of this chapter, which in the case of chapter plans shall be known as the "Municipal Police Officers' Retirement Trust Fund," in each municipality of this state, heretofore or hereafter created, which now has or which may hereafter have a regularly organized police department, and which now owns and uses or which may hereafter own and use equipment and apparatus of a value exceeding \$500 in serviceable condition for the prevention of crime and for the preservation of life and property.

(2)(a) This chapter applies only to municipalities organized and established pursuant to the laws of the state and does not apply to the unincorporated areas of a county or to a governmental entity whose police officers are eligible to participate in the Florida Retirement System.

(b) With respect to the distribution of premium taxes, a single consolidated government consisting of a former county and one or more municipalities, consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution, is also eligible to participate under this chapter. The consolidated government shall notify the division when it has entered into an interlocal agreement to provide police services to a municipality within its boundaries. The municipality may enact an ordinance levying the tax as provided in s. 185.08. Upon being provided copies of the interlocal agreement and the municipal ordinance levying the tax, the division may distribute any premium taxes reported for the municipality to the consolidated government as long as the interlocal agreement is in effect.

(3) No municipality shall establish more than one retirement plan for public safety officers which is supported in whole or in part by the distribution of premium tax funds as provided by this chapter or chapter 175, nor shall any municipality establish a retirement plan for public safety officers which receives premium tax funds from both this chapter and chapter 175.

History.—s. 1, ch. 28230, 1953; s. 2, ch. 29825, 1955; s. 2, ch. 61-119; s. 1, ch. 65-152; s. 7, ch. 79-380; s. 2, ch. 79-388; s. 3, ch. 86-42; s. 43, ch. 99-1; s. 1, ch. 2014-28.

185.04 Actuarial deficits not state obligations.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, actuarial deficits, if any, arising under this chapter are not the obligation of the state.

History.—s. 1b, ch. 28230, 1953; s. 44, ch. 99-1.

185.05 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) In each municipality described in s. 185.03 there is hereby created a board of trustees of the municipal police officers' retirement trust fund, which shall be solely responsible for administering the trust fund. Effective October 1, 1986, and thereafter:

(a) The membership of the board of trustees for chapter plans consists of five members, two of whom, unless otherwise prohibited by law, must be legal residents of the municipality and must be appointed by the legislative body of the municipality, and two of whom must be police officers as defined in s. 185.02 who are elected by a majority of the active police officers who are members of such plan. With respect to any chapter plan or local law plan that, on January 1, 1997, allowed retired police officers to vote in such elections, retirees may continue to vote in such elections. The fifth member shall be chosen by a majority of the previous four members, and such person's name shall be submitted to the legislative body of the municipality. Upon receipt of the fifth person's name, the legislative body shall, as a ministerial duty, appoint such person to the board of trustees. The fifth member shall have the same rights as each of the other four members appointed or elected, shall serve as trustee for a period of 2 years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of 2 years, unless sooner replaced by the legislative body at whose pleasure the member serves, and may succeed himself or herself as a trustee. Each police officer member shall serve as trustee for a period of 2 years, unless he or she sooner leaves the employment of the municipality as a police officer, whereupon a successor shall be chosen in the same manner as an original appointment. Each police officer may succeed himself or herself in office. The terms of office of the appointed and elected members of the board of trustees may be amended by municipal ordinance or special act of the Legislature to extend the terms from 2 years to 4 years. The length of the terms of office shall be the same for all board members.

(b) The membership of boards of trustees for local law plans is as follows:

1. If a municipality has a pension plan for police officers only, the provisions of paragraph (a) shall apply.

2. If a municipality has a pension plan for police officers and firefighters, the provisions of paragraph (a) apply, except that one member of the board shall be a police officer and one member shall be a firefighter as defined in s. 175.032, respectively, elected by a majority of the active firefighters and police officers who are members of the plan.

3. Any board of trustees operating a local law plan on July 1, 1999, which is combined with a plan for general employees shall hold an election of the police officers, or police officers and firefighters if included, to determine whether a plan is to be established for police officers only, or for police officers and firefighters where included. Based on the election results, a new board shall be established as provided in subparagraph 1. or subparagraph 2., as appropriate. The municipality shall enact an ordinance to implement the new board by October 1, 1999. The newly established board shall take whatever action is necessary to determine the amount of assets which is attributable to police officers, or police officers and firefighters where included. Such assets shall include all employer, employee, and state contributions made by or on behalf of police officers, or police officers and firefighters where included, and any investment income derived from such contributions. All such moneys shall be transferred into the newly established retirement plan, as directed by the board.

With respect to any board of trustees operating a local law plan on June 30, 1986, this paragraph does not permit the reduction of the membership percentage of police officers or police officers and firefighters. However, for the sole purpose of changing municipal representation, a municipality may by ordinance change the municipal representation on the board of trustees operating a local law plan by ordinance, only if such change does not reduce the membership percentage of police officers, or police officers and firefighters, or the membership percentage of the municipal representation.

(c) Whenever the active police officer membership of a closed chapter plan or closed local law plan as provided in s. 185.38 falls below 10, an active police officer member seat may be held by either a retired police officer or an active police officer member of the plan who is elected by the active and retired members of the plan. If there are no active or retired police officers remaining in the plan or capable of serving, the remaining board members may elect an individual to serve in the active police officer member seat. Upon receipt of such person's name, the legislative body of the municipality shall, as a ministerial duty, appoint such person to the board of trustees. This paragraph applies only to those plans that are closed to new members under s. 185.38(2), and does not apply to any other municipality having a chapter or local law plan.

(d) If the chapter plan or local law plan with an active membership of 10 or more is closed to new members, the member seats may be held by either a retiree, as defined in s. 185.02, or an active police officer of the plan who has been elected by the active police officers. A closed plan means a plan that is closed to new members but continues to operate, pursuant to s. 185.38(2), for participants who elect to remain in the existing plan. This paragraph applies only to those plans that are closed to new members pursuant to s. 185.38(2) and does not apply to any other municipality that has a chapter plan or a local law plan.

(2) The trustees shall by majority vote elect from its members a chair and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by Florida law.

(3) The board of trustees shall meet at least quarterly each year.

(4) Each board of trustees shall be a legal entity that shall have, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(5) In any judicial proceeding or administrative proceeding under chapter 120 brought under or pursuant to the provisions of this chapter, the prevailing party shall be entitled to recover the costs thereof, together with reasonable attorney's fees.

(6) The board of trustees may, upon written request by the retiree of the plan, or by a dependent, if authorized by the retiree or the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment funds necessary to pay for the benefits being received through the governmental entity from which the employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments for child support or alimony. Upon the written request of the retiree of the plan, the board of trustees may also authorize the plan administrator to withhold from the retirement payment those funds necessary to pay for premiums for accident, health, and long-term care insurance for the retiree and the retiree's spouse and dependents. A retirement plan does not incur liability for participation in this permissive program if its actions are taken in good faith.

(7) The provisions of this section may not be altered by a participating municipality operating a chapter or local law plan under this chapter.

(8)(a) The board of trustees shall:

1. Provide a detailed accounting report of its expenses for each fiscal year to the plan sponsor and the Department of Management Services and make

the report available to each member of the plan and post the report on the board's website, if the board has a website. The report must include all administrative expenses that, for purposes of this subsection, are expenses relating to any legal counsel, actuary, plan administrator, and all other consultants, and all travel and other expenses paid to or on behalf of the members of the board of trustees or anyone else on behalf of the plan.

2. Operate under an administrative expense budget for each fiscal year, provide a copy of the budget to the plan sponsor, and make available a copy of the budget to plan members before the beginning of the fiscal year. If the board of trustees amends the administrative expense budget, the board must provide a copy of the amended budget to the plan sponsor and make available a copy of the amended budget to plan members.

(b) Notwithstanding s. 185.35(2) and (3), a local law plan created by special act before May 27, 1939, must comply with the provisions of this subsection.

History.—s. 2, ch. 28230, 1953; s. 2, ch. 59-320; s. 2, ch. 61-119; s. 4, ch. 86-42; s. 41, ch. 93-193; s. 940, ch. 95-147; s. 45, ch. 99-1; s. 6, ch. 2002-66; s. 8, ch. 2004-21; s. 10, ch. 2009-97; s. 9, ch. 2011-216; s. 10, ch. 2015-39.

185.06 General powers and duties of board of trustees.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) The board of trustees, subject to the fiduciary standards in ss. 112.656, 112.661, and 518.11 and the Code of Ethics in ss. 112.311-112.3187, may:

(a) Invest and reinvest the assets of the retirement trust fund in annuity and life insurance contracts of life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the participants in the municipal police officers' retirement trust fund are entitled under this chapter, and pay the initial and subsequent premiums thereon.

(b) Invest and reinvest the assets of the retirement trust fund in:

1. Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund, or a savings and loan association insured by the Savings Association Insurance Fund administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

2. Obligations of the United States or obligations guaranteed as to principal and interest by the United States.

3. Bonds issued by the State of Israel.

4. Bonds, stocks, or other evidences of indebtedness issued or guaranteed by a corporation organized under the laws of the United States, any

state or organized territory of the United States, or the District of Columbia, provided:

a. The corporation is listed on any one or more of the recognized national stock exchanges or on the National Market System of the NASDAQ Stock Market and, in the case of bonds only, holds a rating in one of the three highest classifications by a major rating service; and

b. The board of trustees may not invest more than 5 percent of its assets in the common stock or capital stock of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5 percent of the outstanding capital stock of the company or the aggregate of its investments under this subparagraph at cost exceed 50 percent of the fund's assets.

This paragraph applies to all boards of trustees and participants. However, if a municipality has a duly enacted pension plan pursuant to, and in compliance with, s. 185.35 and the trustees desire to vary the investment procedures, the trustees of such plan shall request a variance of the investment procedures as outlined herein only through a municipal ordinance or special act of the Legislature; if a special act, or a municipality by ordinance adopted before July 1, 1998, permits a greater than 50-percent equity investment, such municipality is not required to comply with the aggregate equity investment provisions of this paragraph. Notwithstanding any other provision of law, this section may not be construed to take away any preexisting legal authority to make equity investments that exceed the requirements of this paragraph. Notwithstanding any other provision of law, the board of trustees may invest up to 25 percent of plan assets in foreign securities on a market-value basis. The investment cap on foreign securities may not be revised, amended, repealed, or increased except as provided by general law.

(c) Issue drafts upon the municipal police officers' retirement trust fund pursuant to this act and rules prescribed by the board of trustees. All such drafts shall be consecutively numbered, be signed by the chair and secretary or by two individuals designated by the board who are subject to the same fiduciary standards as the board of trustees under this subsection, and state upon their faces the purposes for which the drafts are drawn. The city treasurer or other depository shall retain such drafts when paid, as permanent vouchers for disbursements made, and no money may otherwise be drawn from the fund.

(d) Finally decide all claims to relief under the board's rules and regulations and pursuant to the provisions of this act.

(e) Convert into cash any securities of the fund.

(f) Keep a complete record of all receipts and disbursements and of the board's acts and proceedings.

(2) Any and all acts and decisions shall be effectuated by vote of a majority of the members of the board; however, no trustee shall take part in any action in connection with his or her own participation in the fund, and no unfair discrimination shall be shown to any individual employee participating in the fund.

(3) The secretary of the board of trustees shall keep a record of all persons receiving retirement payments under the provisions of this chapter, in which shall be noted the time when the pension is allowed and when the pension shall cease to be paid. In this record, the secretary shall keep a list of all police officers employed by the municipality. The record shall show the name, address, and time of employment of such police officer and when he or she ceases to be employed by the municipality.

(4) The sole and exclusive administration of, and the responsibilities for, the proper operation of the retirement trust fund and for making effective the provisions of this chapter are vested in the board of trustees; however, nothing herein shall empower a board of trustees to amend the provisions of a retirement plan without the approval of the municipality. The board of trustees shall keep in convenient form such data as shall be necessary for an actuarial valuation of the retirement trust fund and for checking the actual experience of the fund.

(5)(a) At least once every 3 years, the board of trustees shall retain a professionally qualified independent consultant who shall evaluate the performance of any existing professional money manager and shall make recommendations to the board of trustees regarding the selection of money managers for the next investment term. These recommendations shall be considered by the board of trustees at its next regularly scheduled meeting. The date, time, place, and subject of this meeting shall be advertised in the same manner as for any meeting of the board.

(b) For the purpose of this subsection, the term "professionally qualified independent consultant" means a consultant who, based on education and experience, is professionally qualified to evaluate the performance of professional money managers, and who, at a minimum:

1. Provides his or her services on a flat-fee basis.
2. Is not associated in any manner with the money manager for the pension fund.
3. Makes calculations according to the American Banking Institute method of calculating time-weighted rates of return. All calculations must be made net of fees.
4. Has 3 or more years of experience working in the public sector.

(6) To assist the board in meeting its responsibilities under this chapter, the board, if it so elects, may:

- (a) Employ independent legal counsel at the pension fund's expense.
- (b) Employ an independent enrolled actuary, as defined in s. 185.02, at the pension fund's expense.
- (c) Employ such independent professional, technical, or other advisers as it deems necessary at the pension fund's expense.

If the board chooses to use the municipality's or special district's legal counsel or actuary, or chooses to use any of the municipality's other professional, technical, or other advisers, it must do so only under terms and conditions acceptable to the board.

(7) Notwithstanding paragraph (1)(b) and as provided in s. 215.473, the board of trustees must identify and publicly report any direct or indirect holdings it may have in any scrutinized company, as defined in that section, and proceed to sell, redeem, divest, or withdraw all publicly traded securities it may have in that company beginning January 1, 2010. The divestiture of any such security must be completed by September 10, 2010. The board and its named officers or investment advisors may not be deemed to have breached their fiduciary duty in any action taken to dispose of any such security, and the board shall have satisfactorily discharged the fiduciary duties of loyalty, prudence, and sole and exclusive benefit to the participants of the pension fund and their beneficiaries if the actions it takes are consistent with the duties imposed by s. 215.473, and the manner of the disposition, if any, is reasonable as to the means chosen. For the purposes of effecting compliance with that section, the pension fund shall designate terror-free plans that allocate their funds among securities not subject to divestiture. No person may bring any civil, criminal, or administrative action against the board of trustees or any employee, officer, director, or advisor of such pension fund based upon the divestiture of any security pursuant to this subsection.

History.—s. 3, ch. 28230, 1953; s. 1, ch. 57-118; s. 3, ch. 59-320; s. 2, ch. 61-119; s. 1, ch. 65-366; ss. 22, 35, ch. 69-106; s. 5, ch. 86-42; s. 941, ch. 95-147; s. 2, ch. 98-134; s. 67, ch. 99-2; s. 18, ch. 99-392; s. 29, ch. 2000-151; s. 11, ch. 2009-97; s. 19, ch. 2010-5; s. 11, ch. 2015-39.

185.061 Use of annuity or insurance policies.—When the board of trustees of any municipality, chapter plan, local law municipality, or local law plan purchases annuity or life insurance contracts to provide all or part of the benefits promised by this chapter, the following principles shall be observed:

- (1) Only those officers who have been members of the retirement trust fund for 1 year or longer may be included in the insured plan.
- (2) Individual policies shall be purchased only when a group insurance plan is not feasible.

(3) Each application and policy shall designate the pension fund as owner of the policy.

(4) Policies shall be written on an annual premium basis.

(5) The type of policy shall be one which for the premium paid provides each individual with the maximum retirement benefit at his or her earliest statutory normal retirement age.

(6) Death benefit, if any, should not exceed:

(a) One hundred times the estimated normal monthly retirement income, based on the assumption that the present rate of compensation continues without change to normal retirement date, or

(b) Twice the annual rate of compensation as of the date of termination of service, or

(c) The single-sum value of the accrued deferred retirement income (beginning at normal retirement date) at date of termination of service, whichever is greatest.

(7) An insurance plan may provide that the assignment of insurance contract to separating officer shall be at least equivalent to the return of the officer's contributions used to purchase the contract. An assignment of contract discharges the municipality from all further obligation to the participant under the plan even though the cash value of such contract may be less than the employee's contributions.

(8) Provisions shall be made, either by issuance of separate policies, or otherwise, that the separating officer does not receive cash values and other benefits under the policies assigned to the officer which exceed the present value of his or her vested interest under the retirement plan, inclusive of the officer's contribution to the plan; the contributions by the state shall not be exhausted faster merely because the method of funding adopted was through insurance companies.

(9) The police officer shall have the right at any time to give the board of trustees written instructions designating the primary and contingent beneficiaries to receive death benefit or proceeds and the method of the settlement of the death benefit or proceeds, or requesting a change in the beneficiary, designation or method of settlement previously made, subject to the terms of the policy or policies on the officer's life. Upon receipt of such written instructions, the board of trustees shall take the necessary steps to effectuate the designation or change of beneficiary or settlement option.

History.—s. 4, ch. 59-320; s. 2, ch. 61-119; s. 942, ch. 95-147; s. 46, ch. 99-1.

185.07 Creation and maintenance of fund.—

For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) The municipal police officers' retirement trust fund in each municipality described in s. 185.03 shall be created and maintained in the following manner:

(a) By the net proceeds of the .85-percent excise tax which may be imposed by the respective cities and towns upon certain casualty insurance companies on their gross receipts of premiums from holders of policies, which policies cover property within the corporate limits of such municipalities, as is hereinafter expressly authorized.

(b) Except as reduced or increased contributions are authorized by subsection (2), by the payment to the fund of 5 percent of the salary of each full-time police officer duly appointed and enrolled as a member of such police department, which 5 percent shall be deducted by the municipality from the compensation due to the police officer and paid over to the board of trustees of the retirement trust fund wherein such police officer is employed. No police officer shall have any right to the money so paid into the fund except as provided in this chapter.

(c) By all fines and forfeitures imposed and collected from any police officer because of the violation of any rule adopted by the board of trustees.

(d) By payment by the municipality or other sources of a sum equal to the normal cost and the amount required to fund any actuarial deficiency shown by an actuarial valuation conducted under part VII of chapter 112 after taking into account the amounts described in paragraphs (b), (c), (e), (f), and (g) and the tax proceeds described in paragraph (a) which are used to fund benefits provided in a defined benefit plan component.

(e) By all gifts, bequests and devises when donated to the fund.

(f) By all accretions to the fund by way of interest or dividends on bank deposits or otherwise.

(g) By all other sources of income now or hereafter authorized by law for the augmentation of such municipal police officers' retirement trust fund.

(2) Member contribution rates may be adjusted as follows:

(a) The employing municipality, by local ordinance, may elect to make an employee's contributions. However, under no circumstances may a municipality reduce the member contribution to less than one-half of 1 percent of salary.

(b) Police officer member contributions may be increased by consent of the members' collective bargaining representative or, if none, by majority consent of police officer members of the fund.

Nothing in this section shall be construed to require adjustment of member contribution rates in effect on the date this act becomes a law, including rates that

exceed 5 percent of salary, provided that such rates are at least one-half of 1 percent of salary.

History.—s. 4, ch. 28230, 1953; s. 3, ch. 29825, 1955; s. 5, ch. 59-320; s. 2, ch. 61-119; s. 6, ch. 86-42; s. 943, ch. 95-147; s. 5, ch. 95-250; s. 47, ch. 99-1; s. 10, ch. 2011-216; s. 12, ch. 2015-39.

185.08 State excise tax on casualty insurance premiums authorized; procedure.—

For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1)(a) Each incorporated municipality in this state described and classified in s. 185.03, as well as each other city or town of this state which on July 31, 1953, had a lawfully established municipal police officers' retirement trust fund or city fund, by whatever name known, providing pension or relief benefits to police officers as provided under this chapter, may assess and impose on every insurance company, corporation, or other insurer now engaged in or carrying on, or who shall hereafter engage in or carry on, the business of casualty insurance as shown by records of the Office of Insurance Regulation of the Financial Services Commission, an excise tax in addition to any lawful license or excise tax now levied by each of the municipalities, respectively, amounting to .85 percent of the gross amount of receipts of premiums from policyholders on all premiums collected on casualty insurance policies covering property within the corporate limits of such municipalities, respectively.

(b) This section applies to a municipality consisting of a single consolidated government consisting of a former county and one or more municipalities, consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution, and to casualty insurance policies covering property within the boundaries of the consolidated government, regardless of whether the properties are located within one or more separately incorporated areas within the consolidated government, and provided the properties are being provided with police protection services by the consolidated government.

(2) In the case of multiple peril policies with a single premium for both property and casualty coverages in such policies, 30 percent of such premium shall be used as the basis for the .85-percent tax above.

(3) The excise tax shall be payable annually March 1 of each year after the passing of an ordinance assessing and imposing the tax herein authorized. Installments of taxes shall be paid according to the provisions of s. 624.5092(2)(a), (b), and (c).

History.—s. 5, ch. 28230, 1953; s. 2, ch. 61-119; s. 1, ch. 63-196; ss. 13, 35, ch. 69-106; s. 7, ch. 86-42; s. 24, ch. 87-99; s. 15, ch. 88-206; s. 11, ch. 89-167; s. 944, ch. 95-147; s. 48, ch. 99-1; s. 164, ch. 2003-261; s. 2, ch. 2014-28.

185.085 Determination of local premium tax situs.—

(1)(a) Any insurance company that is obligated to report and remit the excise tax on casualty insurance premiums imposed under s. 185.08 shall be held harmless from any liability, including, but not limited to, liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction if the insurance company exercises due diligence in applying an electronic database provided by the Department of Revenue under subsection (2). Insurance companies that do not use the electronic database provided by the Department of Revenue or that do not exercise due diligence in applying the electronic database for tax years on or after January 1, 2006, are subject to a 0.5 percent penalty on the portion of the premium pertaining to any insured risk that is improperly assigned, whether assigned to an improper local taxing jurisdiction, not assigned to a local taxing jurisdiction when it should be assigned to a local taxing jurisdiction, or assigned to a local taxing jurisdiction when it should not be assigned to a local taxing jurisdiction.

(b) Any insurance company that is obligated to report and remit the excise tax on commercial casualty insurance premiums imposed under s. 185.08 and is unable, after due diligence, to assign an insured property to a specific local taxing jurisdiction for purposes of complying with paragraph (a) shall remit the excise tax on commercial casualty insurance premiums using a methodology of apportionment in a manner consistent with the remittance for the 2004 calendar year. An insurance company which makes two contacts with the agent responsible for a commercial casualty insurance application for the purpose of verifying information on the application necessary for the assignment to the appropriate taxing jurisdiction shall be considered to have exercised due diligence. Any insurance company which complies with the provisions of this paragraph shall not be subject to the penalty provided in paragraph (a).

(2)(a) The Department of Revenue shall, subject to legislative appropriation, create as soon as practical and feasible, and thereafter shall maintain, an electronic database that conforms to any format approved by the American National Standards Institute's Accredited Standards Committee X12 and that designates for each street address and address range in the state, including any multiple postal street addresses applicable to one street location, the local taxing jurisdiction in which the street address and address range is located, and the appropriate code for each such participating local taxing jurisdiction, identified by one nationwide standard numeric code. The nationwide standard numeric code must contain the same number of numeric digits, and each digit or

combination of digits must refer to the same level of taxing jurisdiction throughout the United States and must be in a format similar to FIPS 55-3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission. Each address or address range must be provided in standard postal format, including the street number, street number range, street name, and zip code. Each year after the creation of the initial database, the Department of Revenue shall annually create and maintain a database for the current tax year. Each annual database must be calendar-year specific.

(b)1. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create the electronic database as soon as practical and feasible. The information furnished to the Department of Revenue must specify an effective date.

2. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create and update the current year's database, including changes in annexations, incorporations, and reorganizations and any other changes in jurisdictional boundaries, as well as changes in eligibility to participate in the excise tax imposed under this chapter. The information must specify an effective date and must be furnished to the Department of Revenue by July 1 of the current year.

3. The Department of Revenue shall create and update the current year's database in accordance with the information furnished by participating local taxing jurisdictions under subparagraph 1. or subparagraph 2., as appropriate. To the extent practicable, the Department of Revenue shall post each new annual database on a website by September 1 of each year. Each participating local taxing jurisdiction shall have access to this website and, within 30 days thereafter, shall provide any corrections to the Department of Revenue. The Department of Revenue shall finalize the current year's database and post it on a website by November 1 of the current year. If a dispute in jurisdictional boundaries cannot be resolved so that changes in boundaries may be included, as appropriate, in the database by November 1, the changes may not be retroactively included in the current year's database and the boundaries will remain the same as in the previous year's database. The finalized database must be used in assigning policies and premiums to the proper local taxing jurisdiction for the insurance premium tax return due on the following March 1 for the tax year 2005. For subsequent tax years, the finalized database must be used in assigning policies and premiums to the proper local taxing jurisdiction for the insurance premium tax return due for the tax year beginning on or after the January 1 following the website posting of the database.

Information contained in the electronic database is conclusive for purposes of this chapter. The electronic database is not an order, a rule, or a policy of general applicability.

4. Each annual database must identify the additions, deletions, and other changes to the preceding version of the database.

(3)(a) As used in this section, the term “due diligence” means the care and attention that is expected from and is ordinarily exercised by a reasonable and prudent person under the circumstances.

(b) Notwithstanding any law to the contrary, an insurance company is exercising due diligence if the insurance company complies with the provisions of paragraph (1)(b) or if the insurance company assigns an insured’s premium to local taxing jurisdictions in accordance with the Department of Revenue’s annual database and with respect to such database:

1. Expends reasonable resources to accurately and reliably implement such method;
2. Maintains adequate internal controls to correctly include in its database of policyholders the location of the property insured, in the proper address format, so that matching with the department’s database is accurate; and
3. Corrects errors in the assignment of addresses to local taxing jurisdictions within 120 days after the insurance company discovers the errors.

(4) There is annually appropriated from the moneys collected under this chapter and deposited in the Police and Firefighter’s Premium Tax Trust Fund an amount sufficient to pay the expenses of the Department of Revenue in administering this section, but not to exceed \$50,000 annually, adjusted annually by the lesser of a 5- percent increase or the percentage of growth in the total collections.

(5) The Department of Revenue shall adopt rules necessary to administer this section, including rules establishing procedures and forms.

(6) Any insurer that is obligated to collect and remit the tax on casualty insurance imposed under s. 185.08 shall be held harmless from any liability, including, but not limited to, liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured risk to an incorrect local taxing jurisdiction, based on the collection and remission of the tax accruing before January 1, 2005, if the insurer collects and reports this tax consistent with filings for periods before January 1, 2005. Further, any insurer that is obligated to collect and remit the tax on casualty insurance imposed under this section is not subject to an examination under s. 624.316 or s. 624.3161 which would occur solely as a result of an assignment of an insured risk to an incorrect local taxing jurisdiction, based on the

collection and remission of such tax accruing before January 1, 2005.

History.—s. 4, ch. 2004-21; s. 2, ch. 2009-20.

185.09 Report of premiums paid; date tax payable.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, whenever any municipality passes an ordinance establishing a chapter plan or local law plan and assessing and imposing the tax authorized in s. 185.08, a certified copy of such ordinance shall be deposited with the division; and thereafter every insurance company, corporation, or other insurer carrying on the business of casualty insuring, on or before the succeeding March 1 after date of the passage of the ordinance, shall report fully in writing to the division and the Department of Revenue a just and true account of all premiums received by such insurer for casualty insurance policies covering or insuring any property located within the corporate limits of such municipality during the period of time elapsing between the date of the passage of the ordinance and the end of the calendar year. The aforesaid insurer shall annually thereafter, on March 1, file with the Department of Revenue a similar report covering the preceding year’s premium receipts. Every such insurer shall, at the time of making such report, pay to the Department of Revenue the amount of the tax heretofore mentioned. Every insurer engaged in carrying on a general casualty insurance business in the state shall keep accurate books of account of all such business done by it within the limits of such incorporated municipality in such a manner as to be able to comply with the provisions of this chapter. Based on the insurers’ reports of premium receipts, the division shall prepare a consolidated premium report and shall furnish to any municipality requesting the same a copy of the relevant section of that report.

History.—s. 6, ch. 28230, 1953; s. 2, ch. 61-85; ss. 12, 13, 35, ch. 69-106; s. 42, ch. 93-193; s. 49, ch. 99-1; s. 7, ch. 2000-355.

185.10 Department of Revenue and Division of Retirement to keep accounts of deposits; disbursements.—For any municipality having a chapter plan or local law plan under this chapter:

- (1) The Department of Revenue shall keep a separate account of all moneys collected for each municipality under the provisions of this chapter. All moneys so collected must be transferred to the Police and Firefighters’ Premium Tax Trust Fund and shall be separately accounted for by the division. The moneys budgeted as necessary to pay the expenses of the division for the daily oversight and monitoring of the police officers’ retirement plans under this chapter and for the oversight and actuarial reviews conducted under part VII of chapter 112 are annually appropriated from the interest and investment income earned on the moneys collected for each municipality or special fire

control district and deposited in the Police and Firefighters' Premium Tax Trust Fund. Interest and investment income remaining thereafter in the trust fund which is unexpended and otherwise unallocated by law shall revert to the General Revenue Fund on June 30 of each year.

(2) The Chief Financial Officer shall, on or before July 1 of each year, and at such other times as authorized by the division, draw his or her warrants on the full net amount of money then on deposit pursuant to this chapter in the Police and Firefighters' Premium Tax Trust Fund, specifying the municipalities to which the moneys must be paid and the net amount collected for and to be paid to each municipality, respectively. The sum payable to each municipality is appropriated annually out of the Police and Firefighters' Premium Tax Trust Fund. The warrants of the Chief Financial Officer shall be payable to the respective municipalities entitled to receive them and shall be remitted annually by the division to the respective municipalities. In lieu thereof, the municipality may provide authorization to the division for the direct payment of the premium tax to the board of trustees. In order for a municipality and its retirement fund to participate in the distribution of premium tax moneys under this chapter, all the provisions shall be complied with annually, including state acceptance pursuant to part VII of chapter 112.

History.—s. 7, ch. 28230, 1953; s. 2, ch. 29734, 1955; s. 2, ch. 61-119; ss. 13, 35, ch. 69-106; s. 1, ch. 74-297; s. 4, ch. 85-61; s. 8, ch. 86-42; s. 43, ch. 93-193; s. 13, ch. 94-259; s. 1458, ch. 95-147; s. 6, ch. 95-250; s. 50, ch. 99-1; s. 165, ch. 2003-261.

185.105 Police and Firefighters' Premium Tax Trust Fund.—The Police and Firefighters' Premium Tax Trust Fund is created, to be administered by the Division of Retirement of the Department of Management Services. Funds credited to the trust fund, as provided in chapter 95-250, Laws of Florida, or similar legislation, shall be expended for the purposes set forth in that legislation.

History.—s. 1, ch. 95-249.

¹**Note.**—Also published at s. 175.1215.

185.11 Funds received by municipalities, deposit in retirement trust fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, all state and other funds received by any municipality under the provisions of this chapter shall be deposited by the municipality immediately, and under no circumstances more than 5 days after receipt, with the board of trustees. In lieu thereof, the municipality may provide authorization to the division for the direct payment of the premium tax to the board of trustees. The board shall deposit such moneys in the Municipal Police Officers' Retirement Trust Fund immediately, and under no circumstances more than 5 days after receipt. Employee contributions, however, which are withheld

by the employer on behalf of an employee member shall be deposited immediately after each pay period with the board of trustees of the municipal police officers' retirement trust fund. Employer contributions shall be deposited at least quarterly.

History.—s. 8, ch. 28230, 1953; s. 2, ch. 61-119; s. 9, ch. 86-42; s. 51, ch. 99-1.

185.12 Payment of excise tax credit on similar state excise or license tax.—The tax herein authorized shall in nowise be additional to the similar state excise or license tax imposed by part IV, chapter 624, but the payor of the tax hereby authorized shall receive credit therefor on his or her state excise or license tax and the balance of said state excise or license tax shall be paid to the Department of Revenue as provided by law.

History.—s. 9, ch. 28230, 1953; s. 3, ch. 61-85; ss. 13, 35, ch. 69-106; s. 10, ch. 86-42; s. 945, ch. 95-147; s. 52, ch. 99-1.

185.13 Failure of insurer to comply with chapter; penalty.—If any insurance company, corporation or other insurer fails to comply with the provisions of this chapter, on or before March 1 in each year as herein provided, the certificate of authority issued to said insurance company, corporation or other insurer to transact business in this state may be canceled and revoked by the Office of Insurance Regulation of the Financial Services Commission, and it is unlawful for any such insurance company, corporation or other insurer to transact any business thereafter in this state unless such insurance company, corporation or other insurer shall be granted a new certificate of authority to transact business in this state, in compliance with provisions of law authorizing such certificate of authority to be issued. The division shall be responsible for notifying the Office of Insurance Regulation regarding any such failure to comply.

History.—s. 10, ch. 28230, 1953; ss. 13, 35, ch. 69-106; s. 53, ch. 99-1; s. 166, ch. 2003-261.

185.16 Requirements for retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, any police officer who completes 10 or more years of creditable service as a police officer and attains age 55, or completes 25 years of creditable service as a police officer and attains age 52, and for such period has been a member of the retirement fund is eligible for normal retirement benefits. Normal retirement under the plan is retirement from the service of the city on or after the normal retirement date. In such event, for chapter plans and local law plans, payment of retirement income will be governed by the following provisions of this section:

(1) The normal retirement date of each police officer will be the first day of the month coincident with or next following the date on which the police officer

has completed 10 or more years of creditable service and attained age 55 or completed 25 years of creditable service and attained age 52.

(2)(a) The amount of the monthly retirement income payable to a police officer who retires on or after his or her normal retirement date shall be an amount equal to the number of the police officer's years of credited service multiplied by 2.75 percent of his or her average final compensation.

(b) Effective July 1, 2015, a plan that is in compliance with this chapter except that the plan provides a benefit that is less than 2.75 percent of the average final compensation of a police officer for all years of credited service or provides an effective benefit that is less than 2.75 percent as a result of a maximum benefit limitation:

1. Must maintain, at a minimum, the percentage amount or maximum benefit limitation in effect on July 1, 2015, and is not required to increase the benefit to 2.75 percent of the average final compensation of a police officer for all years of credited service; or

2. If the plan changes the percentage amount or maximum benefit limitation to 2.75 percent or more of the average final compensation of a police officer for all years of credited service, the plan may not thereafter decrease the percentage amount or the maximum benefit limitation to less than 2.75 percent of the average final compensation of a police officer for all years of credited service.

(3) The monthly retirement income payable in the event of normal retirement will be payable on the first day of each month. The first payment will be made on the police officer's normal retirement date, or on the first day of the month coincident with or next following the police officer's actual retirement, if later, and the last payment will be the payment due next preceding the police officer's death; except that, in the event the police officer dies after retirement but before receiving retirement benefits for a period of 10 years, the same monthly benefit will be paid to the beneficiary (or beneficiaries) as designated by the police officer for the balance of such 10-year period, or, if no beneficiary is designated, to the estate of the police officer, as provided in s. 185.162. If a police officer continues in the service of the city beyond his or her normal retirement date and dies prior to the date of actual retirement, without an option made pursuant to s. 185.161 being in effect, monthly retirement income payments will be made for a period of 10 years to a beneficiary (or beneficiaries) designated by the police officer as if the police officer had retired on the date on which death occurred, or, if no beneficiary is designated, to the estate of the police officer, as provided in s. 185.162.

(4) Early retirement under the plan is retirement from the service of the city, with the consent of the city, as of the first day of any calendar month which is prior

to the police officer's normal retirement date but subsequent to the date as of which the police officer has both attained the age of 50 years and completed 10 years of contributing service. In the event of early retirement, payment of retirement income will be governed as follows:

(a) The early retirement date shall be the first day of the calendar month coincident with or immediately following the date a police officer retires from the service of the city under the provisions of this section prior to his or her normal retirement date.

(b) The monthly amount of retirement income payable to a police officer who retires prior to his or her normal retirement date under the provisions of this section shall be an amount computed as described in subsection (2), taking into account his or her credited service to the date of actual retirement and his or her final monthly compensation as of such date, such amount of retirement income to be actuarially reduced to take into account the police officer's younger age and the earlier commencement of retirement income payments. In no event shall the early retirement reduction exceed 3 percent for each year by which the member's age at retirement preceded the member's normal retirement age, as provided in subsection (1).

(c) The retirement income payable in the event of early retirement will be payable on the first day of each month. The first payment will be made on the police officer's early retirement date and the last payment will be the payment due next preceding the retired police officer's death; except that, in the event the police officer dies before receiving retirement benefits for a period of 10 years, the same monthly benefit will be paid to the beneficiary designated by the police officer for the balance of such 10-year period, or, if no designated beneficiary is surviving, the same monthly benefit for the balance of such 10-year period shall be payable as provided in s. 185.162.

History.—s. 14, ch. 28230, 1953; s. 4, ch. 29825, 1955; s. 6, ch. 59-320; s. 5, ch. 61-85; s. 2, ch. 63-196; s. 1, ch. 70-128; s. 12, ch. 86-42; s. 946, ch. 95-147; s. 56, ch. 99-1; s. 13, ch. 2015-39.

185.161 Optional forms of retirement income.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1)(a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified in s. 185.16, a police officer, upon written request to the board of trustees and subject to the approval of the board of trustees, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

1. A retirement income of larger monthly amount, payable to the police officer for his or her lifetime only.

2. A retirement income of a modified monthly amount, payable to the police officer during the joint lifetime of the police officer and a joint annuitant

designated by the police officer, and following the death of either of them, 100 percent, 75 percent, $66\frac{2}{3}$ percent, or 50 percent of such monthly amount payable to the survivor for the lifetime of the survivor.

3. Such other amount and form of retirement payments or benefit as, in the opinion of the board of trustees, will best meet the circumstances of the retiring police officer.

(b) The police officer upon electing any option of this section must designate the joint annuitant or beneficiary to receive the benefit, if any, payable under the plan in the event of the police officer's death, and may change such designation but any such change shall be deemed a new election and is subject to approval by the pension committee. Such designation must name a joint annuitant or one or more primary beneficiaries where applicable. If a police officer has elected an option with a joint annuitant or beneficiary and his or her retirement income benefits have commenced, he or she may change the designated joint annuitant or beneficiary but only if the board of trustees consents to such change and if the joint annuitant last designated by the police officer is alive when he or she files with the board of trustees a request for such change. The consent of a police officer's joint annuitant or beneficiary to any such change is not required. The board of trustees may request evidence of the good health of the joint annuitant being removed, and the amount of the retirement income payable to the police officer upon the designation of a new joint annuitant shall be actuarially redetermined taking into account the ages and gender of the former joint annuitant, the new joint annuitant, and the police officer. Each designation must be made in writing on a form prepared by the board of trustees and filed with the board of trustees. If no designated beneficiary survives the police officer, such benefits as are payable in the event of the death of the police officer subsequent to his or her retirement shall be paid as provided in s. 185.162.

(c) Notwithstanding paragraph (b), a retired police officer may change his or her designation of joint annuitant or beneficiary up to two times as provided in s. 185.341 without the approval of the board of trustees or the current joint annuitant or beneficiary. The retiree need not provide proof of the good health of the joint annuitant or beneficiary being removed, and the joint annuitant or beneficiary being removed need not be living.

(2) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:

(a) If a police officer dies prior to his or her normal retirement date or early retirement date, whichever first occurs, no benefit will be payable under

the option to any person, but the benefits, if any, will be determined under s. 185.21.

(b) If the designated beneficiary or joint annuitant dies before the police officer's retirement under the plan, the option elected is canceled automatically and a retirement income of the normal form and amount is payable to the police officer upon his or her retirement as if the election had not been made, unless a new election is made in accordance with this section or a new beneficiary is designated by the police officer before his or her retirement and within 90 days after the death of the beneficiary.

(c) If both the retired police officer and the designated beneficiary (or beneficiaries) die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subparagraph (1)(a)3., the board of trustees may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with s. 185.162.

(d) If a police officer continues beyond his or her normal retirement date pursuant to the provisions of s. 185.16(1) and dies prior to actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a beneficiary (or beneficiaries) designated by the police officer in the amount or amounts computed as if the police officer had retired under the option on the date on which death occurred.

(3) No police officer may make any change in his or her retirement option after the date of cashing or depositing his or her first retirement check.

History.—s. 7, ch. 59-320; s. 13, ch. 86-42; s. 947, ch. 95-147; s. 57, ch. 99-1; s. 12, ch. 2009-97.

185.162 Beneficiaries.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) Each police officer may, on a form, provided for that purpose, signed and filed with the board of trustees, designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of the police officer's death, and each designation may be revoked by such police officer by signing and filing with the board of trustees a new designation or beneficiary form.

(2) If no beneficiary is named in the manner provided by subsection (1), or if no beneficiary designated by the member survives him or her, the death benefit, if any, which may be payable under the plan with respect to such deceased police officer shall be paid by the board of trustees to the estate of such deceased police officer, provided that in any of such cases the board of trustees, in its discretion, may direct

that the commuted value of the remaining monthly income payments be paid in a lump sum. Any payment made to any person pursuant to this subsection shall operate as a complete discharge of all obligations under the plan with regard to such deceased police officer and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons ever interested hereunder.

(3) Notwithstanding any other provision of law to the contrary, the surviving spouse of any pension participant member killed in the line of duty shall not lose survivor retirement benefits if the spouse remarries. The surviving spouse of such deceased member whose benefit terminated because of remarriage shall have the benefit reinstated as of July 1, 1994, at an amount that would have been payable had such benefit not been terminated.

History.—s. 7, ch. 59-320; s. 5, ch. 94-171; s. 1459, ch. 95-147; s. 58, ch. 99-1.

185.18 Disability retirement.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) A police officer having 10 or more years of credited service, or a police officer who becomes totally and permanently disabled in the line of duty, regardless of length of service, may retire from the service of the city under the plan if he or she becomes totally and permanently disabled as defined in subsection (2) by reason of any cause other than a cause set out in subsection (3) on or after the effective date of the plan. Such retirement shall herein be referred to as disability retirement.

(2) A police officer will be considered totally disabled if, in the opinion of the board of trustees, he or she is wholly prevented from rendering useful and efficient service as a police officer; and a police officer will be considered permanently disabled if, in the opinion of the board of trustees, such police officer is likely to remain so disabled continuously and permanently from a cause other than as specified in subsection (3).

(3) A police officer will not be entitled to receive any disability retirement income if the disability is a result of:

- (a) Excessive and habitual use by the police officer of drugs, intoxicants, or narcotics;
- (b) Injury or disease sustained by the police officer while willfully and illegally participating in fights, riots, civil insurrections or while committing a crime;
- (c) Injury or disease sustained by the police officer while serving in any armed forces;
- (d) Injury or disease sustained by the police officer after employment has terminated;
- (e) Injury or disease sustained by the police officer while working for anyone other than the city and arising out of such employment.

(4) No police officer shall be permitted to retire under the provisions of this section until examined by a duly qualified physician or surgeon, to be selected by the board of trustees for that purpose, and is found to be disabled in the degree and in the manner specified in this section. Any police officer retiring under this section may be examined periodically by a duly qualified physician or surgeon or board of physicians and surgeons to be selected by the board of trustees for that purpose, to determine if such disability has ceased to exist.

(5) The benefit payable to a police officer who retires from the service of the city with a total and permanent disability as a result of a disability is the monthly income payable for 10 years certain and life for which, if the police officer's disability occurred in the line of duty, his or her monthly benefit shall be the accrued retirement benefit, but shall not be less than 42 percent of his or her average monthly compensation as of the police officer's disability retirement date. If after 10 years of service the disability is other than in the line of duty, the police officer's monthly benefit shall be the accrued normal retirement benefit, but shall not be less than 25 percent of his or her average monthly compensation as of the police officer's disability retirement date.

(6) The monthly retirement income to which a police officer is entitled in the event of his or her disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be, if the police officer recovers from the disability, the payment due next preceding the date of such recovery or, if the police officer dies without recovering from his or her disability, the payment due next preceding death or the 120th monthly payment, whichever is later. In lieu of the benefit payment as provided in this subsection, a police officer may select an optional form as provided in s. 185.161. Any monthly retirement income payments due after the death of a disabled police officer shall be paid to the police officer's designated beneficiary (or beneficiaries) as provided in ss. 185.162 and 185.21.

(7) If the board of trustees finds that a police officer who is receiving a disability retirement income is no longer disabled, as provided herein, the board of trustees shall direct that the disability retirement income be discontinued. Recovery from disability as used herein shall mean the ability of the police officer to render useful and efficient service as a police officer.

(8) If the police officer recovers from disability and reenters the service of the city as a police officer, his or her service will be deemed to have been

continuous, but the period beginning with the first month for which the police officer received a disability retirement income payment and ending with the date he or she reentered the service of the city may not be considered as credited service for the purposes of the plan.

History.—s. 16, ch. 28230, 1953; s. 6, ch. 59-320; s. 6, ch. 61-85; s. 2, ch. 61-119; s. 2, ch. 70-128; s. 14, ch. 86-42; s. 948, ch. 95-147; s. 59, ch. 99-1.

185.185 False, misleading, or fraudulent statements made to obtain public retirement benefits prohibited; penalty.—

(1) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit available under a retirement plan receiving funding under this chapter.

(2)(a) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (1), a participant or beneficiary of a pension plan receiving funding under this chapter may, in the discretion of the board of trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this chapter. For purposes of this paragraph, “conviction” means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

History.—s. 60, ch. 99-1.

185.19 Separation from municipal service; refunds.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) If any police officer leaves the service of the municipality before accumulating aggregate time of 10 years toward retirement and before being eligible to retire under the provisions of this chapter, such police officer shall be entitled to a refund of all of his or her contributions made to the municipal police officers’ retirement trust fund without interest, less any benefits paid to him or her.

(2) If any police officer who has been in the service of the municipality for at least 10 years elects to leave his or her accrued contributions, if contributions are required, in the municipal police officers’ retirement trust fund, such police officer upon attaining age 50 years or more may retire at the actuarial equivalent of the amount of such retirement income otherwise payable to him or her, as provided in s. 185.16(4), or, upon attaining age 55 years, may retire as provided in s. 185.16(2).

History.—s. 17, ch. 28230, 1953; s. 6, ch. 59-320; s. 7, ch. 61-85; s. 2, ch. 61-119; s. 949, ch. 95-147; s. 61, ch. 99-1.

185.191 Lump-sum payment of small retirement income.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, notwithstanding any provision of the plan to the contrary, if the monthly retirement income payable to any person entitled to benefits hereunder is less than \$100 or if the single-sum value of the accrued retirement income is less than \$2,500 as of the date of retirement or termination of service, whichever is applicable, the board of trustees, in the exercise of its discretion, may specify that the actuarial equivalent of such retirement income be paid in a lump sum.

History.—s. 7, ch. 59-320; s. 62, ch. 99-1.

185.21 Death prior to retirement; refunds of contributions or payment of death benefits.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) If a police officer dies before being eligible to retire, the heirs, legatees, beneficiaries, or personal representatives of such deceased police officer shall be entitled to a refund of 100 percent, without interest, of the contributions made to the municipal police officers’ retirement trust fund by such deceased police officer or, in the event an annuity or life insurance contract has been purchased by the board on such police officer, then to the death benefits available under such life insurance or annuity contract, subject to the limitations on such death benefits set forth in s. 185.061 whichever amount is greater.

(2) If a police officer having at least 10 years of credited service dies prior to retirement, his or her beneficiary is entitled to the benefits otherwise payable to the police officer at early or normal retirement age.

In the event that a death benefit paid by a life insurance company exceeds the limit set forth in s. 185.061(6), the excess of the death benefit over the limit shall be paid to the municipal police officers’ retirement trust fund. However, death benefits as provided pursuant to s. 112.19 or any other state or federal law shall not be included in the calculation of death or retirement benefits provided under this chapter.

History.—s. 19, ch. 28230, 1953; s. 6, ch. 29825, 1955; s. 3, ch. 57-118; s. 6, ch. 59-320; s. 2, ch. 61-119; s. 15, ch. 86-42; s. 6, ch. 90-138; s. 950, ch. 95-147; s. 63, ch. 99-1.

185.221 Annual report to Division of Retirement; actuarial valuations.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the board of trustees for every chapter plan and local law plan shall submit the following reports to the division:

(1) With respect to chapter plans:

(a) Each year by February 1, the chair or secretary of each municipal police officers’ retirement

trust fund operating a chapter plan shall file a report with the division which contains:

1. A statement of whether in fact the municipality is within the provisions of s. 185.03.

2. An independent audit by a certified public accountant if the fund has \$250,000 or more in assets, or a certified statement of accounting if the fund has less than \$250,000 in assets, for the most recent plan year, showing a detailed listing of assets and methods used to value them and a statement of all income and disbursements during the year. Such income and disbursements shall be reconciled with the assets at the beginning and end of the year.

3. A statistical exhibit showing the total number of police officers on the force of the municipality, the number included in the retirement plan and the number ineligible classified according to the reasons for their being ineligible, and the number of disabled and retired police officers and their beneficiaries receiving pension payments and the amounts of annual retirement income or pension payments being received by them.

4. A statement of the amount the municipality, or other income source, has contributed to the retirement plan for the most recent plan year and the amount the municipality will contribute to the retirement plan for the current plan year.

5. If any benefits are insured with a commercial insurance company, the report shall include a statement of the relationship of the insured benefits to the benefits provided by this chapter. This report shall also contain information about the insurer, basis of premium rates and mortality table, interest rate and method used in valuing retirement benefits.

(b) In addition to annual reports provided under paragraph (a), by February 1 of each triennial year, an actuarial valuation of the chapter plan must be made by the division at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from the issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. To that end, the chair of the board of trustees for each municipal police officers' retirement trust fund operating under a chapter plan shall report to the division such data as the division needs to complete an actuarial valuation of each fund. The forms for each municipality shall be supplied by the division. The expense of the actuarial valuation shall be borne by the municipal police officers' retirement trust fund established by s. 185.10. The requirements of this section are supplemental to the actuarial valuations necessary to comply with s. 218.39.

- (2) With respect to local law plans:

- (a) Each year, on or before March 15, the trustees of the retirement plan shall submit the following information to the division in order for the

retirement plan of such municipality to receive a share of the state funds for the then-current calendar year:

1. A certified copy of each and every instrument constituting or evidencing the plan. This includes the formal plan, including all amendments, the trust agreement, copies of all insurance contracts, and formal announcement materials.

2. An independent audit by a certified public accountant if the fund has \$250,000 or more in assets, or a certified statement of accounting if the fund has less than \$250,000 in assets, for the most recent plan year, showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year.

3. A certified statement listing the investments of the plan and a description of the methods used in valuing the investments.

4. A statistical exhibit showing the total number of police officers, the number included in the plan, and the number ineligible classified according to the reasons for their being ineligible, and the number of disabled and retired police officers and their beneficiaries receiving pension payments and the amounts of annual retirement income or pension payments being received by them.

5. A certified statement describing the methods, factors, and actuarial assumptions used in determining the cost.

6. A certified statement by an enrolled actuary showing the results of the latest actuarial valuation of the plan and a copy of the detailed worksheets showing the computations used in arriving at the results.

7. A statement of the amount the municipality, or other income source, has contributed toward the plan for the most recent plan year and will contribute toward the plan for the current plan year.

When any of the items required hereunder is identical to the corresponding item submitted for a previous year, it is not necessary for the trustees to submit duplicate information if they make reference to the item in the previous year's report.

(b) In addition to annual reports provided under paragraph (a), an actuarial valuation of the retirement plan must be made at least once every 3 years, as provided in s. 112.63, commencing 3 years from the last actuarial valuation of the plan or system for existing plans, or commencing 3 years from issuance of the initial actuarial impact statement submitted under s. 112.63 for newly created plans. Such valuation shall be prepared by an enrolled actuary, subject to the following conditions:

1. The assets shall be valued as provided in s. 112.625(7).

2. The cost of the actuarial valuation must be paid by the individual police officer's retirement trust fund or by the sponsoring municipality.

3. A report of the valuation, including actuarial assumptions and type and basis of funding, shall be made to the division within 3 months after the date of the valuation. If any benefits are insured with a commercial insurance company, the report must include a statement of the relationship of the retirement plan benefits to the insured benefits, the name of the insurer, the basis of premium rates, and the mortality table, interest rate, and method used in valuing the retirement benefits.

History.—s. 7, ch. 59-320; s. 2, ch. 61-119; ss. 13, 35, ch. 69-106; s. 16, ch. 86-42; s. 44, ch. 93-193; s. 951, ch. 95-147; s. 8, ch. 96-324; s. 64, ch. 99-1; s. 43, ch. 2001-266; s. 16, ch. 2004-305.

185.23 Duties of Division of Retirement; rulemaking authority; investments by State Board of Administration.—

(1) The division shall be responsible for the daily oversight and monitoring for actuarial soundness of the municipal police officers' retirement plans, whether chapter or local law plans, established under this chapter, for receiving and holding the premium tax moneys collected under this chapter, and, upon determining compliance with the provisions of this chapter, for disbursing those moneys to the municipal police officers' retirement plans. The funds to pay the expenses for such administration shall be annually appropriated from the interest and investment income earned on moneys deposited in the trust fund.

(2) The State Board of Administration shall invest and reinvest the moneys in the trust fund in accordance with ss. 215.44-215.53. Costs incurred by the board in carrying out the provisions of this section shall be deducted from the interest and investment income accruing to the trust fund.

History.—s. 20, ch. 28230, 1953; ss. 13, 35, ch. 69-106; s. 45, ch. 93-193; s. 7, ch. 95-250; s. 13, ch. 98-200; s. 65, ch. 99-1; s. 30, ch. 2000-151; s. 50, ch. 2012-116.

185.25 Exemption from tax and execution.—

For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the pensions, annuities, or any other benefits accrued or accruing to any person under any municipality, chapter plan, local law municipality, or local law plan under the provisions of this chapter and the accumulated contributions and the cash securities in the funds created under this chapter are exempted from any state, county, or municipal tax of the state and shall not be subject to execution or attachment or to any legal process whatsoever and shall be unassignable.

History.—s. 21, ch. 28230, 1953; s. 66, ch. 99-1.

185.30 Depository for retirement fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, all funds of the municipal police officers' retirement trust fund of any municipality, chapter plan, local law municipality, or local law plan under this chapter may be deposited by the board of trustees with the treasurer of the municipality acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality. However, any funds so deposited with the treasurer of the municipality shall be kept in a separate fund by the municipal treasurer or clearly identified as such funds of the municipal police officers' retirement trust fund. In lieu thereof, the board of trustees shall deposit the funds of the municipal police officers' retirement trust fund in a qualified public depository as defined in s. 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of chapter 280.

History.—s. 26, ch. 28230, 1953; s. 2, ch. 61-119; s. 19, ch. 86-42; s. 3, ch. 88-185; s. 954, ch. 95-147; s. 69, ch. 99-1.

185.31 Municipalities and boards independent of other municipalities and boards and of each other.—

In the enforcement and interpretation of the provisions of this chapter for any municipality, chapter plan, local law municipality, or local law plan under this chapter, each municipality shall be independent of any other municipality, and the board of trustees of the municipal police officers' retirement trust fund of each municipality shall function for the municipality which they are to serve as trustees. Each board of trustees shall be independent of each municipality for which it serves as board of trustees to the extent required to accomplish the intent, requirements, and responsibilities provided for in this chapter.

History.—s. 27, ch. 28230, 1953; s. 2, ch. 61-119; s. 20, ch. 86-42; s. 70, ch. 99-1.

185.34 Disability in line of duty.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, any condition or impairment of health of any and all police officers employed in the state caused by tuberculosis, hypertension, heart disease, or hardening of the arteries, resulting in total or partial disability or death, shall be presumed to be accidental and suffered in line of duty unless the contrary be shown by competent evidence. Any condition or impairment of health caused directly or proximately by exposure, which exposure occurred in the active performance of duty at some definite time or place without willful negligence on the part of the police officer, resulting in total or partial disability, shall be presumed to be accidental and suffered in the line of duty, provided that such police officer shall have successfully passed a physical examination upon entering such service, which

physical examination including electrocardiogram failed to reveal any evidence of such condition, and, further, that such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance. This section shall be applicable to all police officers only with reference to pension and retirement benefits under this chapter.

History.—ss. 1, 2, ch. 57-340; s. 1, ch. 67-580; s. 62, ch. 79-40; s. 21, ch. 86-42; s. 72, ch. 99-1.

185.341 Discrimination in benefit formula prohibited; restrictions regarding designation of joint annuitants.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) No plan shall discriminate in its benefit formula based on color, national origin, sex, or marital status.

(2)(a) If a plan offers a joint annuitant option and the member selects such option, or if a plan specifies that the member's spouse is to receive the benefits that continue to be payable upon the death of the member, then, in both of these cases, after retirement benefits have commenced, a retired member may change the designation of joint annuitant or beneficiary only twice.

(b) Any retired member who desires to change the joint annuitant or beneficiary shall file with the board of trustees of his or her plan a notarized notice of such change either by registered letter or on such form as is provided by the administrator of the plan. Upon receipt of a completed change of joint annuitant form or such other notice, the board of trustees shall adjust the member's monthly benefit by the application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the member's current benefit. Nothing herein shall preclude a plan from actuarially adjusting benefits or offering options based upon sex, age, early retirement, or disability.

(3) Eligibility for coverage under the plan must be based upon length of service, or attained age, or both, and benefits must be determined by a nondiscriminatory formula based upon:

- (a) Length of service and compensation; or
- (b) Length of service.

History.—s. 22, ch. 86-42; s. 955, ch. 95-147; s. 73, ch. 99-1.

185.35 Municipalities that have their own retirement plans for police officers.—In order for a municipality that has its own retirement plan for police officers, or for police officers and firefighters if both are included, to participate in the distribution of the tax fund established under s. 185.08, a local law plan must meet minimum benefits and minimum standards, except as provided in the mutual consent provisions in paragraph (1)(g) with respect to the minimum benefits not met as of October 1, 2012.

(1) If a municipality has a retirement plan for police officers, or for police officers and firefighters if both are included, which, in the opinion of the division, meets minimum benefits and minimum standards, the board of trustees of the retirement plan must place the income from the premium tax in s. 185.08 in such plan for the sole and exclusive use of its police officers, or its police officers and firefighters if both are included, where it shall become an integral part of that plan and be used to fund benefits as provided herein. Effective October 1, 2015, for noncollectively bargained service or upon entering into a collective bargaining agreement on or after July 1, 2015:

(a) The base premium tax revenues must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality.

(b) Of the additional premium tax revenues received that are in excess of the amount received for the 2012 calendar year, 50 percent must be used to fund minimum benefits or other retirement benefits in excess of the minimum benefits as determined by the municipality, and 50 percent must be placed in a defined contribution plan component to fund special benefits.

(c) Additional premium tax revenues not described in paragraph (b) must be used to fund benefits that are not included in the minimum benefits. If the additional premium tax revenues subject to this paragraph exceed the full annual cost of benefits provided through the plan which are in excess of the minimum benefits, any amount in excess of the full annual cost must be used as provided in paragraph (b).

(d) Of any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, 50 percent of the amount of the accumulations must be used to fund special benefits and 50 percent must be applied to fund any unfunded actuarial liabilities of the plan; provided that any amount of accumulations in excess of the amount required to fund the unfunded actuarial liabilities must be used to fund special benefits.

(e) For a plan created after March 1, 2015, 50 percent of the insurance premium tax revenues must be used to fund defined benefit plan component benefits, with the remainder used to fund defined contribution plan component benefits.

(f) If a plan offers benefits in excess of the minimum benefits, such benefits, excluding supplemental plan benefits in effect as of September 30, 2014, may be reduced if the plan continues to meet minimum benefits and the minimum standards. The amount of insurance premium tax revenues previously used to fund benefits in excess of the minimum benefits before the reduction, excluding the amount of any additional premium tax revenues distributed to a

supplemental plan for the 2012 calendar year, must be used as provided in paragraph (b). However, benefits in excess of the minimum benefits may not be reduced if a plan does not meet the minimum percentage amount of 2.75 percent of the average final compensation of a police officer or provides an effective benefit that is less than 2.75 percent as a result of a maximum benefit limitation, as described in s. 185.16(2)(b).

(g) Notwithstanding paragraphs (a)-(f), the use of premium tax revenues, including any accumulations of additional premium tax revenues which have not been allocated to fund benefits in excess of the minimum benefits, may deviate from the provisions of this subsection by mutual consent of the members' collective bargaining representative or, if none, by a majority of the police officer members of the fund, and by consent of the municipality, provided that the plan continues to meet minimum benefits and minimum standards; however, a plan that operates pursuant to this paragraph and does not meet the minimum benefits as of October 1, 2012, may continue to provide the benefits that do not meet the minimum benefits at the same level as was provided as of October 1, 2012, and all other benefit levels must continue to meet the minimum benefits. Such mutually agreed deviation must continue until modified or revoked by subsequent mutual consent of the members' collective bargaining representative or, if none, by a majority of the police officer members of the fund, and the municipality. An existing arrangement for the use of premium tax revenues contained within a special act plan or a plan within a supplemental plan municipality is considered, as of July 1, 2015, to be a deviation for which mutual consent has been granted.

(2) The premium tax provided by this chapter must be used in its entirety to provide retirement benefits to police officers, or to police officers and firefighters if both are included. Local law plans created by special act before May 27, 1939, shall be deemed to comply with this chapter.

(3) A retirement plan or amendment to a retirement plan may not be proposed for adoption unless the proposed plan or amendment contains an actuarial estimate of the costs involved. Such proposed plan or proposed plan change may not be adopted without the approval of the municipality or, where required, the Legislature. Copies of the proposed plan or proposed plan change and the actuarial impact statement of the proposed plan or proposed plan change shall be furnished to the division before the last public hearing on the proposal is held. Such statement must also indicate whether the proposed plan or proposed plan change is in compliance with s. 14, Art. X of the State Constitution and those provisions of part VII of chapter 112 which are not expressly provided in this chapter. Notwithstanding any other provision, only

those local law plans created by special act of legislation before May 27, 1939, are deemed to meet the minimum benefits and minimum standards only in this chapter.

(4) Notwithstanding any other provision, with respect to any supplemental plan municipality:

(a) Section 185.02(6)(a) does not apply, and a local law plan and a supplemental plan may continue to use their definition of compensation or salary in existence on March 12, 1999.

(b) A local law plan and a supplemental plan must continue to be administered by a board or boards of trustees numbered, constituted, and selected as the board or boards were numbered, constituted, and selected on December 1, 2000.

(5) The retirement plan setting forth the benefits and the trust agreement, if any, covering the duties and responsibilities of the trustees and the regulations of the investment of funds must be in writing and copies made available to the participants and to the general public.

(6) In addition to the defined benefit component of the local law plan, each plan sponsor must have a defined contribution plan component within the local law plan by October 1, 2015, for noncollectively bargained service, upon entering into a collective bargaining agreement on or after July 1, 2015, or upon the creation date of a new participating plan. Depending upon the application of subsection (1), a defined contribution component may or may not receive any funding.

(7) Notwithstanding any other provision of this chapter, a municipality that has implemented or proposed changes to a local law plan based on the municipality's reliance on an interpretation of this chapter by the Department of Management Services on or after August 14, 2012, and before March 3, 2015, may continue the implemented changes or continue to implement proposed changes. Such reliance must be evidenced by a written collective bargaining proposal or agreement, or formal correspondence between the municipality and the Department of Management Services which describes the specific changes to the local law plan, with the initial proposal, agreement, or correspondence from the municipality dated before March 3, 2015. Changes to the local law plan which are otherwise contrary to minimum benefits and minimum standards may continue in effect until the earlier of October 1, 2018, or the effective date of a collective bargaining agreement that is contrary to the changes to the local law plan.

History.—s. 7, ch. 59-320; s. 2, ch. 61-119; s. 3, ch. 63-196; ss. 13, 35, ch. 69-106; s. 23, ch. 86-42; s. 47, ch. 93-193; s. 956, ch. 95-147; s. 74, ch. 99-1; s. 7, ch. 2002-66; s. 6, ch. 2004-21; s. 11, ch. 2011-216; s. 14, ch. 2015-39.

185.37 Termination of plan and distribution of fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, the plan may be terminated by the municipality. Upon termination of the plan by the municipality for any reason, or because of a transfer, merger, or consolidation of governmental units, services, or functions as provided in chapter 121, or upon written notice to the board of trustees by the municipality that contributions under the plan are being permanently discontinued, the rights of all employees to benefits accrued to the date of such termination or discontinuance and the amounts credited to the employees' accounts are nonforfeitable. The fund shall be distributed in accordance with the following procedures:

(1) The board of trustees shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits, after taking into account the expenses of such distribution. The board shall inform the municipality if additional assets are required, in which event the municipality shall continue to financially support the plan until all nonforfeitable benefits have been funded.

(2) The board of trustees shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each police officer entitled to benefits under the plan, as specified in subsection (3).

(3) The board of trustees shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the employee's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the employee.

(4) If there is asset value remaining after the full distribution specified in subsection (3), and after payment of any expenses incurred with such distribution, such excess shall be returned to the municipality, less return to the state of the state's contributions, provided that, if the excess is less than the total contributions made by the municipality and the state to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the municipality and the state.

(5) The board of trustees shall distribute, in accordance with the manner of distribution determined

under subsection (2), the amounts determined under subsection (3).

If, after 24 months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued, the municipality or the board of trustees of the municipal police officers' retirement trust fund affected has not complied with all the provisions in this section, the Department of Management Services shall effect the termination of the fund in accordance with this section.

History.—s. 8, ch. 61-85; s. 2, ch. 61-119; s. 4, ch. 63-196; s. 24, ch. 86-42; s. 48, ch. 93-193; s. 957, ch. 95-147; s. 76, ch. 99-1; s. 13, ch. 2009-97.

185.38 Transfer to another state retirement system; benefits payable.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(1) Any police officer who has a vested right to benefits under a pension plan created pursuant to the provisions of this chapter and who elects to participate in another state retirement system may not receive a benefit under the provisions of the latter retirement system for any year's service for which benefits are paid under the provisions of the pension plan created pursuant to this chapter.

(2) When every active participant in any pension plan created pursuant to this chapter elects to transfer to another state retirement system, the pension plan created pursuant to this chapter shall be terminated and the assets distributed in accordance with s. 185.37. If some participants in a pension plan created pursuant to this chapter elect to transfer to another state retirement system and other participants elect to remain in the existing plan created pursuant to this chapter, the plan created pursuant to this chapter shall continue to receive state premium tax moneys until fully funded. If the plan is fully funded at a particular valuation date and not fully funded at a later valuation date, the plan shall resume receipt of state premium tax moneys until the plan is once again determined to be fully funded. "Fully funded" means that the present value of all benefits, accrued and projected, is less than the available assets and the present value of future member contributions and future plan sponsor contributions on an actuarial entry age cost funding basis. Effective May 31, 1998, for plans discussed herein, the plan shall remain in effect until the final benefit payment has been made to the last participant or beneficiary and shall then be terminated in accordance with s. 185.37.

History.—s. 25, ch. 86-42; s. 77, ch. 99-1; s. 8, ch. 2002-66.

185.39 Applicability.—This act applies to all municipalities, chapter plans, local law municipalities, or local law plans presently existing or to be created pursuant to this chapter. Those plans presently existing pursuant to s. 185.35 and not in compliance with the provisions of this act must comply no later than December 31, 1999. However, the plan sponsor of any plan established by special act of the Legislature shall have until July 1, 2000, to comply with the provisions of this act, except as otherwise provided in this act with regard to establishment and election of board members. The provisions of this act shall be construed to establish minimum standards and minimum benefit levels, and nothing contained in this act or in chapter 185 shall operate to reduce presently existing rights or benefits of any police officer, directly, indirectly, or otherwise.

History.—s. 26, ch. 86-42; s. 78, ch. 99-1.

185.50 Retiree health insurance subsidy.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, under the broad grant of home rule powers under the Florida Constitution and chapter 166, municipalities have the authority to establish and administer locally funded health insurance subsidy programs. Pursuant thereto:

(1) **PURPOSE.**—The purpose of this section is to allow municipalities the option to use premium tax moneys, as provided for under this chapter, to establish and administer health insurance subsidy programs which will provide a monthly subsidy payment to retired members of any municipal police officers' pension trust fund system or plan as provided under this chapter, or to beneficiaries who are spouses or financial dependents entitled to receive benefits under such a plan, in order to assist such retired members or beneficiaries in paying the costs of health insurance.

(2) **MUNICIPAL RETIREE HEALTH INSURANCE SUBSIDY TRUST FUNDS; ESTABLISHMENT AND TERMINATION.**—

(a) Any municipality having a municipal police officers' pension trust fund system or plan as provided under this chapter may, in its discretion, establish by ordinance a trust fund to be known as the Municipal Police Officers' Retiree Health Insurance Subsidy Trust Fund. This fund may be a separate account established for such purpose in the existing municipal police officers' pension fund, provided that all funds deposited in such account are segregated from, and not commingled with, pension funds or other public moneys and that the account otherwise conforms to the requirements of subsection (8). The trust fund shall be used to account for all moneys received and disbursed pursuant to this section.

(b) Prior to the second reading of the ordinance before the municipal legislative body, an actuarial

valuation must be performed by an enrolled actuary as defined in s. 185.02, and copies of the valuation and the proposed implementing ordinance shall be furnished to the division.

(c) The subsidy program may, at the discretion of the municipal governing body, be permanently discontinued by municipal ordinance at any time, subject to the requirements of any applicable collective bargaining agreement, in the same manner and subject to the same conditions established for plan termination and fund distribution under s. 185.37.

(3) **FUNDING.**—Trust funds established pursuant to this section shall be funded in the following manner:

(a) By payment to the fund of an amount equivalent to one-half of the net increase over the previous tax year in the premium tax funds provided for in this chapter, said amount to be established in the implementing ordinance.

(b) By no less than one-half of 1 percent of the base salary of each police officer, for so long as the police officer is employed and covered by a pension plan established pursuant to this chapter. The municipality, with approval of the board of trustees, may increase member contributions if needed to fund benefits greater than the minimums established in this section.

(c) By payment by the municipality, on at least a quarterly basis, of whatever sum is determined necessary to maintain the actuarial soundness of the fund in accordance with s. 112.64.

Such contributions and payments shall be submitted to the board of trustees of the police officers' pension trust fund, or the plan trustees in the case of local law plans established under s. 185.35, and deposited in the Municipal Police Officers' Retiree Health Insurance Subsidy Trust Fund, in the same manner and subject to the same time constraints as provided under s. 185.11.

(4) **ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.**—A person who has contributed to the Retiree Health Insurance Subsidy Trust Fund and retires under a municipal police officers' pension trust fund system or plan as provided under this chapter, including any local law plan as provided under s. 185.35, or a beneficiary who is a spouse or financial dependent entitled to receive benefits under such a plan, is eligible for health insurance subsidy payments provided under this section. However, the fund, with approval of the board of trustees and the municipality, may provide coverage to retirees and beneficiaries when the retirees have not contributed to the fund as provided in subsection (3). Payment of the retiree health insurance subsidy shall be made only after coverage for health insurance for the retiree or beneficiary has been certified in writing to the board of trustees of the municipal police officers' pension trust fund.

(5) RETIREE HEALTH INSURANCE SUBSIDY AMOUNT.—Beginning on the effective date established in the implementing ordinance, each eligible retiree, or beneficiary who is a spouse or financial dependent thereof, shall receive a monthly retiree health insurance subsidy payment equal to the aggregate number of years of service with the municipality, as defined in s. 185.02, completed at the time of retirement multiplied by an amount determined in the implementing ordinance, but no less than \$3 for each year of service. Nothing herein shall be construed to restrict the plan sponsor from establishing, in the implementing ordinance, a cap of no less than 30 years upon the number of years' service for which credit will be given toward a health insurance subsidy or a maximum monthly subsidy amount.

(6) PAYMENT OF RETIREE HEALTH INSURANCE SUBSIDY.—Beginning on the effective date established in the implementing ordinance, any monthly retiree health insurance subsidy amount due and payable under this section shall be paid to retired members, or their eligible beneficiaries, by the board of trustees of the police officers' pension trust fund, or the plan trustees in the case of local law plans established under s. 185.35, in the same manner as provided by s. 185.06(1)(c) for drafts upon the pension fund.

(7) INVESTMENT OF THE TRUST FUND.—The trustees of the police officers' pension trust fund, or the plan trustees in the case of local law plans established under s. 185.35, are hereby authorized to invest and reinvest the funds of the Municipal Police Officers' Retiree Health Insurance Subsidy Trust Fund in the same manner and subject to the same conditions as apply hereunder to the investment of municipal police officers' pension funds under s. 185.06.

(8) DEPOSIT OF PENSION FUNDS.—All funds of the health insurance subsidy fund may be deposited by the board of trustees with the treasurer of the municipality, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality. Any funds so deposited shall be segregated by said treasurer in a separate fund, clearly identified as funds of the health insurance subsidy fund. In lieu thereof, the board of trustees shall deposit the funds of the health insurance subsidy fund in a qualified public depository as defined in s. 280.02, which shall conform to and be bound by the provisions of chapter 280 with regard to such funds. In no case shall the funds of the health insurance subsidy fund be deposited in any financial institution, brokerage house trust company, or other entity that is not a public depository as provided by s. 280.02.

(9) SEPARATION FROM SERVICE; REFUNDS.—Any police officer who terminates employment with a municipality having a Municipal Retiree Health Insurance Subsidy Trust Fund system

or plan as provided under this section shall be entitled to a refund of all employee contributions he or she made to that trust fund, without interest, regardless of whether he or she has vested for purposes of retirement. Any police officer who has vested for purposes of retirement in the service of the municipality, and has contributed to the Municipal Police Officers' Retiree Health Insurance Subsidy Trust Fund for so long as he or she was eligible to make such contributions, may, in his or her discretion, elect to leave his or her accrued contributions in the fund, whereupon, such police officer shall, upon retiring and commencing to draw retirement benefits, receive a health insurance subsidy based upon his or her aggregate number of years of service with the municipality, as defined in s. 185.02.

(10) ADMINISTRATION OF SYSTEM; ACTUARIAL VALUATIONS; AUDITS; RULES; ADMINISTRATIVE COSTS.—The board of trustees of the police officers' pension trust fund, or the plan trustees in the case of local law plans established under s. 185.35, shall be solely responsible for administering the health insurance subsidy trust fund. Pursuant thereto:

(a) As part of its administrative duties, no less frequently than every 3 years, the board shall have an actuarial valuation of the Municipal Police Officers' Retiree Health Insurance Subsidy Trust Fund prepared as provided in s. 112.63 by an enrolled actuary, covering the same reporting period or plan year used for the municipal police officers' pension plan, and shall submit a report of the valuation, including actuarial assumptions and type and basis of funding, to the division.

(b) By February 1 of each year, the trustees shall file a report with the division, containing an independent audit by a certified public accountant if the fund has \$250,000 or more in assets, or a certified statement of accounting if the fund has less than \$250,000 in assets, for the most recent plan year, showing a detailed listing of assets and methods used to value them and a statement of all income and disbursements during the year. Such income and disbursements shall be reconciled with the assets at the beginning of and end of the year.

(c) The trustees may adopt such rules and regulations as are necessary for the effective and efficient administration of this section.

(d) At the discretion of the plan sponsor, the cost of administration may be appropriated from the trust fund or paid directly by the plan sponsor.

(11) BENEFITS.—Subsidy payments shall be payable under the municipal police officers' retiree health insurance subsidy program only to participants in the program or their beneficiaries. Such subsidy payments shall not be subject to assignment, execution, or attachment or to any legal process

whatsoever, and shall be in addition to any other benefits to which eligible recipients are entitled under any workers' compensation law, pension law, collective bargaining agreement, municipal or county ordinance, or any other state or federal statute.

(12) **DISTRIBUTION OF PREMIUM TAXES; COMPLIANCE REQUIRED.**—Premium tax dollars for which spending authority is granted under this section shall be distributed from the Police and Firefighters' Premium Tax Trust Fund and remitted annually to municipalities in the same manner as provided under this chapter for police officers' pension funds. Once a health insurance subsidy plan has been implemented by a municipality under this section, in order for the municipality to participate in the distribution of premium tax dollars authorized under this section, all provisions of this section, including state acceptance pursuant to part VII of chapter 112, shall be complied with, and said premium tax dollars may be withheld for noncompliance.

History.—s. 2, ch. 92-51; s. 49, ch. 93-193; s. 14, ch. 94-259; s. 1460, ch. 95-147; s. 8, ch. 95-250; s. 80, ch. 99-1.

185.60 Optional participation.—A municipality may revoke its participation under this chapter by rescinding the legislative act, or ordinance which assesses and imposes taxes authorized in s. 185.08, and by furnishing a certified copy of such legislative act, or ordinance to the division. Thereafter, the municipality shall be prohibited from participating under this chapter, and shall not be eligible for future premium tax moneys. Premium tax moneys previously received shall continue to be used for the sole and exclusive benefit of police officers, or police officers and firefighters where included, and no amendment, legislative act, or ordinance shall be adopted which shall have the effect of reducing the then-vested accrued benefits of the police officers, retirees, or their beneficiaries. The municipality shall continue to furnish an annual report to the division as provided in s. 185.221. If the municipality subsequently terminates the defined benefit plan, they shall do so in compliance with the provisions of s. 185.37.

History.—s. 82, ch. 99-1.